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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, January 10, 1985
Joe Jung's Restaurant, Fifth and Market
891 Market Street

NEXT MEETING

DATE: Thursday, January 24, 1985
TIME: 10:15 AM
PLACE: Third Floor, Commission Room
Main Library, Civic Center

NOTE
See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners

Present: Brenda Wade (presiding), Thomas Ambrogi, Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, John C. Morrissey, Joan Zamora Moulton, Nicerita Revelo, Sal Rosselli, Esta Soler, George Suncin, David K. Yamakawa Jr.

Excused: Rabbi Martin S. Weiner.

Staff

Grant S. Mickins, Bettye Burrell, Bea Cardenas-Duncan, Jack Casford, Zula Jones, Richard Morton, Gail Roberts, Mary Gin Starkweather, Essie Thomas, Chris Van Stone, Jackie Winnow.

Guest: Eddie Baca, Intergroup Clearinghouse.

Pledge of Allegiance

Minutes of December 13, 1984 approved. The scheduled December 27, 1984 meeting was cancelled.

COMMUNICATIONS

- From Myra K. Hubbard, Manager of Management Education, Transamerica Corporation, to Director Grant S. Mickins, informing him of the Making for High Performance Seminar to be held at the Transamerica Pyramid, 600 Montgomery Street.

- From Ray Wong, Coordinator, Consent Decree Division, San Francisco Police Department, via Kathleen Hurley, Examination Unit Supervisor, a form letter soliciting Oral Interview Board Panel member applications to serve in the selection process for potential Police officers.

- From Judith A. Boyajian, Deputy City Attorney, a copy of a Request for Dismissal filing of May 25, 1984, by Stewart Weinberg, attorney for Service Employees International Union Local 77, et. al. This was for Mr. Mickins' records.

- From The Rev. Cecil Williams, Glide Memorial United Methodist Church, thanks to Director Mickins for supporting Sammy Davis, Jr. benefit permance for Glide Church and in recognition of his twentieth year as Minister of Glide.

- To Mr. Vello Kiisk, Chief Harbor Engineer, Port of San Francisco, from Director Mickins via Stanley K. Lim, Contract Compliance Officer, granting a waiver on the size limitation for participation of Minority Business Enterprise subcontractors in the instance of a grading and paving project at Pier 96.

- From Mayor Dianne Feinstein, a Memorandum sent to all department heads requesting that they confer with their management staffs to make specific proposals to the Employee Relations Division for use in upcoming meet-and-confer- sessions with various unions and (City) employee organizations.

- From Ray King, Director, Parking Authority, reporting that the City Attorney has issued a memorandum opinion that the Authority can use off-street parking funds to reimburse the HRC (as it had requested) for costs of monitoring construction contracts.

REPORT OF THE NOMINATING COMMITTEE

Commissioner Lyon

- The Committee, chaired by Commissioner Lyon, included Commissioners Ambrogi, Lee, and Martin, and she reported that they, as directed, were submitting a slate of two for each office, Chairperson and Vice-Chairperson, as follows:

For Chairperson:

- Incumbent Chairperson Wade
- Incumbent Vice-Chairperson Moulton

For Vice-Chairperson:

- Commissioner Ambrogi
- Commissioner Soler

There were no additional nominations presented to the invitation of Commissioner Lyon and the nominations were then closed.

The Commissioners then agreed to use written ballots.

- Vice Chairperson Moulton then asked to makea statement, to the effect that she had not known she was not going to be renominated for Vice-Chairperson and that she had made other commitments for this year, and she withdrew her nomination for Chairperson, asking that she be assigned to either the Youth & Education or Social Issues and Police Liaison Committee. She also said she did not understand how a member of the Nominating Committee could also be a nominee. It was stated that there was precedence for this action.

- At this point, Commissioner Ambrogi withdrew his nomination as Vice-Chairperson.

It was then

******m/(Commissioner Rosselli)s/c/ that Chairperson Wade be re-elected as Chairperson, and Commissioner Soler be elected as Vice-Chairperson by acclamation. There were 10 ayes (Commissioners Wade and Soler not voting, and Commissioners Lee and Suncin not yet present) and 1 No (by Commissioner Moulton) to this motion.

REPORT OF THE CHAIRPERSON

- Chairperson Wade thanked her colleagues for their vote, and specifically

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acknowledged and thanked Commissioner Moulton for chairing the HRC and its Special Order hearings during her maternity leave, and Commissioner Lyon for special assistance to and consultation with her.

The Chairpersonalso paid tribute to the competency and professionalism of the entire HRC staff.

She then asked, as part of a reaffirmation gesture, that Commissioners and staff reflect silently for a moment on the problems of the City in its various neighborhoods, and then put on paper, either in words or in drawings, how they visualized them.

The Chairperson then showed her drawing depicting fear and tension in the City, while others, Commissioners and staff alike, sketched or wrote such factors as hope versus reality; the suffering and privation of Central American and Asian refugees living in the City; gentrification and racism; the need for communication; and the issue of the "homeporting" of the battleship U.S. S. Missouri versus jobs and housing needs.

The Chairperson then asked for depictions of how individuals hoped the City would or could be.

The reactions to this included the hope for intra-cultural, intra-class, intra-ethnic harmony; the absence of fear; increased communication between neighbors; the egg as a symbol of a perfect natural balance with pleasing from and containing life; and, finally, Commissioner Revelo, the statement, "If all the goals of the HRC could be implemented, everyone would be happy!"

Commissioner Morrissey commented that San Francisco has certainly achieved much in human rights and civic harmony compared to many other major American cities, and Chairperson Wade said she fetl the City was the standard for others.

DIRECTOR'S REPORT

- 1984 Achievements.

The Director cited especially two major achievements of the HRC in 1984:

1. The successful implementation of minority and women employment participation in the Democratic National Convention construction and operation phases in July. He said that minorities made up between 30 to 40% of the workforce in the preparation phases and women were nearly as high, with minority and women firms obtaining 23% of the contracts, all due largely to the ground work and follow-through of the HRC. He said he understands that the Democratic Party intends to follow this precedent-setting MBE/WBE policy in future conventions.

2. The passage, in April of 1984, of Chapter 12D, the Minority/Women/Local Business Enterprise Ordinance to the City Administrative Code. He called it a "do-able" measure, well-designed, and well-written. Implementation by the HRC is well under way, he said, with periodic reports on its progress to be forthcoming. The HRC, he noted, has approved plans of all City departments for their implementation of notification and participation for minority and women-owned businesses. The City Purchaser's Office has two permanent HRC staff members involvedin certification, notification, information, and facilitiation for MBE/WBE/LBEs. Work is progressing on a Registry. He said that the HRC is making every effort to get the widest possible dissemination of information on procedures to the minority and women business enterprise community, and he praised the quality of the work and commitment of the HRC staff in this work.

In the"problems" area of the HRC work, the Director noted that there

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is an increasing amount of legal challenges to its work. The HRC has been upheld in its authority to implement the MBE/WBE/LBE Ordinance, however, in a November ruling by Federal District Court Judge Thelton Henderson on a request for a preliminary injunction by the Associated General Contractors of California, a suit filed shortly after the Ordinance became law.

Another legal challenge is in the making, the Director said, but the HRC basically has been upheld in the courts in its authority to implement Chapter 12D. In one case, the HRC is being challenged by a firm that has moved a temporary trailer into a warehouse claiming qualification as a Local Business Enterprise.

- Managing Decision Making for High Performance Seminar (See Communication Section of these Minutes).

The Director will be attending this Seminar the week of January 14-18 at the Transamerica Corporation. This is a followup to the Managing Motivation for High Performance Seminar he attended with some nineteen other City departments, on nomination by Mayor Feinstein, last year.

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- Requested Approval of Award of a Consultant Contract for Technical Assistance in the MBE/WBE/LBE Program.

Copies of a two-page memorandum giving the details of the negotiations with nine consultant groups were provided the Commissioners. The document showed how Requests for Proposals were circulated to 65 concerns. Nine proposals were submitted to the HRC by the December 4, 1984 deadline. The criteria used for evaluation were listed, plus additional considerations they were screened and the names, HRC Certification status (that is, MBE,WBE,LBE) and their proposed budget amounts. Also stated were the five major services the consultants were asked to provide.

The recommendation was that the contract be awarded Aileen C. Hernandez Associates, with a bid of $21,156. Ms. Patsy G. Fulcher, Senior Associate with the firm, was present to respond to Commissioner questions, which included whether there was a time-limit set on fulfilling the contract (a schedule will be worked out with the Director and staff); how many Hernandez staff people would be assigned to the project (three, but not fulltime, because of already-existing survey information and expertise), etc.

Commissioner Moulton asked why U.S. Human Resources Corp. (a Hispanic-owned firm) was not listed as an MBE (the firm had not submitted applications for certification by the date required to be eligible); and why Eddie Baca, the Director of the Intergroup Clearinghouse, had submitted a bid as a co-partner with Sue Zemel (the ninth of the nine proposals listed).

Mr. Baca stated from the podium that he is under a personal services contract to the City and that this allows him to do private consulting. His proposal, with his partner, had no connection with his position with the Intergroup Clearinghouse, he said, and he distributed copies of a letter he wrote January 9 to Chairperson Wade outlining a number of concerns about the Zemel-Baca bid.

Commissioner Yamakawa asked why nonprofit businesses were excluded from the RPF (Request for Proposal) list, and was told by Director Mickins that the HRC followed the guidelines of Chapter 12D, which specifically excludes nonprofit companies. Commissioner Yamakawa then stated that he personally felt that nonprofits should be subject to the same dondiscrimination conditions that other companies are.

Commissioner Rosselli requested that in the future staff presentations on contract negotiations give more details on why a particular firm was selected and not others.

Director Mickins stated that the Hernadez firm had been more specific in how it intended to carry out the five major objectives of the program with MBE/WBEs. He noted also that all those submitting proposals had been mailed written notices at the end of the selection period.

It was then

******m/s/c to approve the award of a Consultant Contract for Technical Assistance in determining the feasibility of a Special Revolving Fund to assist small MBE/WBEs to meet qualifications of bid proposals and fee-related requirements, to Aileen C. Hernandez Associates in the amount of $21,156. The firm is certified MBE/WBE/LBE. The vote was unanimous.

STANDING COMMITTEES

LESBIAN/GAY ADVISORY
Commissioners Phyllis Lyon, Sal Rosselli-Co-Chairpersons

- Recommended Adoption of Resolution Regarding Government Surveillance of Consensual Sexual Conduct in Bathhouses and Sex Establishments in San Francisco.

The discussion on this proposed Resolution is perhaps best understood in light of the fact that the HRC had passed a similar one, the Resolution Regarding Proposed Governmental Regulation of Private Sexual Conduct in Bathhouses and Sex Establishments in San Francisco (Resolution 4-84), on August 9, 1984.

Copies of the proposed Resolution, adopted by the L/GAC Committee, were provided in advance to the members of the HRC.

Commissioner Morrissey objected to various statements of the Whereas paragraphs (five in number), and said some of them were vague and unclear. He noted that he had earlier urged the HRC to urge the City to take all action possible to address the AIDS problem, and he moved, with a second from Commissioner Chung, that all Whereas paragraphs, except the introductory and one other be deleted, and that the second Resolve be eliminated, and that the final Resolve be retained with the addition of the following words, (underlined), to read: AND BE IT FINALLY RESOLVED, that the Human Rights Commission strongly support all necessary funding for research and education of the causes of AIDS and the best means of preventing the spread of AIDS and the best care of those who have AIDS.

Commissioners Rosselli, and then Lyon, responded. Commissioner Rosselli stated that he did not object to the deletion of one Whereas, which stated, "heterosexual prerogative necessarily carries with it moral judgements on a minority lifestyle not its own and one which is often misunderstood;", but he noted that the numbers of cases are escalating "tremendously", that people with AIDS are not getting the amount and kind of necessary care they need, that the numbers of cases are escalating almost beyond the ability of the City health care facilities to handle, and that a Whereas criticizing expenditure of $50,000 by the Department of Public Health, without prior approval by the Board of Supervisors, in its surveillance activities in connection with closure of the bathhouses remains a prime concern.

Commissioner Lyon noted that the first two Whereas clauses in the proposed Resolution had already been adopted by the HRC in the August 9, 1984 Resolution.

There followed comments from Commissioners Moulton, Yamakawa, Ambrogi, Wade, Lyon, and Soler on their personal positions on the disputed Whereas paragraphs.

Commissioner Soler stated that she felt that the HRC needed to affirm its opposition to the surveillance activities of the DPH, to the use of public monies to do this surveillance, and to re-state its support for a maximum commitment to getting adequate care for and education about AIDS. She proposed a re -constructed Resolution.

******On the motion of Commissioner Morrissey, seconded by Commissioner Chung, to delete all but two Whereas clauses, and one Resolve clause, and amend the final Resolve, the Ayes were: 4 (Revelo, Chung, Morrissey, and Chung and the Noes were 8 (Ambrogi, Lee, Lyon, Moulton, Soler, Suncin, Martin, Rosselli, Yamakawa). The motion thus failed.

It was then

******m/s/c that the HRC adopt the Resolution Regarding Government Surveillance of Consensual Sexual Conduct in Bathhouses and Sex Establishments in San Francisco, as re-constructed by Commissioner Soler. The vote was unanimous. A copy of that Resolution is attached to these Minutes. The final Resolve of this Resolution does contain the additional wording proposed by Commissioner Morrissey for that section.

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YOUTH AND EDUCATION

Commissioners Nicerita Revelo and Rabbi Martin S. Weiner
Co-Chairpersons

- (By special request, the Commissioner considered this next item, which was not on the Agenda for this meeting).

- Requested Adoption of Resolution Regarding the First Anniversary of the Catholic Social Services' Diamond Street Youth Shelter-Beatrice Cardeans-Duncan.

Ms. Cardenas-Duncan announced that the Shelter had been earlier endorsed by the Youth and Education Committee and she then introduced Mr. Tom Rinaldo, Director of the Diamond Street Youth Shelter, who, addressed the HRC briefly and distributed statistics covering the first year of operation of the facility, which was opened under Catholic Social Service in January of 1984. The original purpose of the Shelter, Mr. Rinaldo said, was to provide an alternative or refuge from the streets for youth who wish to leave the life of prostitution. The Shelter provides emergency housing, and is located in the hall below Most Holy Redeemer Church at 110 Diamond Street. Dinner and breakfast are provided and up to 20 boys and girls can be housed at any one time. Efforts are made to contact parents, and to link youths with other agencies for more in-depth follow up services. Most of the 500 youth sheltered in the past year are between 12 and 17 years old and three -quarters are boys. Many (35 have been Hispanic) speak only Spanish and bilingual staff are available.

It was then

******m/s/c to adopt the Resolution Regarding the First Anniversary of the Catholic Social Services' Diamond Streett Youth Shelter. A full copy of that Resolution is attached to these Minutes.

LESBIAN/GAY ADVISORY COMMITTEE (resumed)

- Requested Joint Meeting with Social Issues and Police Liaison Committee regarding Allegations of Discrimination and Gaps in Services Provided by the American Indian Center-Commissioner Rosselli.

The Lesbian/Gay Advisory Committee at a recent meeting heard from

Randy Burns, co-founder of Gay American Indians, and a number of colleagues who outlined specific charges of a lack of services and sexual orientation discrimination at the American Indian Center. Because the Committee believed the problems are "beyond its scope in many other areas", the Commissioner said it was requesting a joint meeting with representatives of the Social Issues and Police Liaison Committee to hear testimony on the issues.

Commissioner Moulton expressed her shock that this issue had arisen, saying she personally knew members of the Center staff, both Lesbianand Gay, and that there historically had been " a place for the Gay community within the tribal system."

Mr. Randy Burns then spoke briefly from the podium. He said that the needs of the Gay American Indian community at large are not being met, even though some membersof the Gay community hold Center administrative positions. He said some of the latter are "closeted" and that sexual orientation is not always a protected class in some Indian-serving agencies.

It was then

******m/s/c that the Lesbian/Gay Advisory Committee and Social Issues and Police Liaison Committees arrange a joint meeting with the Board of Directors of the American Indian Center, the Director, and members of the two standing Committees to fact-find and try to resolve the alleged problems.

EMPLOYMENT

Commissioners Esta Soler and Corrine Lee
Co-Chairpersons

- Affirmative Action Program for Port Commission Property Leases-Vicky Rathbone, Contract Compliance Officer I.

Ms. Rathbone, who directs the HRC's monitoring program for Port Commission Property Leases and is based at the Port Commission fulltime, made her verbal presentation highlighting the salient points in her five-page narrative report on the Affirmative Action Program, and the actual documents for the Property Leases, Architecture/Engineering Consulting Contracts, and Construction Contracts Affirmative Action Programs, with all the affidavits and other supportive materials required by them. All this material was provided to the Commissioners in advance.

Ms. Rathbone noted the great increase in port leasing activity in the past year, including modernization, expansion of commercial activities, expansion of development projects, etc.

She had been directed by the Port Commission Director in November of 1983 to develop an Affirmative Action program (AAP) for the Port Commission leases, and the first draft was completed in January 1984. The AAP has incorporated the changes under the new Chapter 12D. The proposed policy, she stated in her report, is intended to be sufficiently flexible to apply to all Port Commission leases that would come under the above-outlined activities, eg., major development, maritime leases and use agreements, leases for restaurants and retail outlets, and office space leases.

> One entirely new program has been developed by HRC staff to create business opportunities for minority and women-owned enterprises at the Port. This AAP identifies two major areas of business opportunity: retail and restaurant space; and service and maintenance contracts. There is an existing employment opportunity program implemented by the HRC for several years, whereby its staff monitors the hiring practices of businesses located on Port property, and, where necessary, establishes remedial hiring goals for minorities and women.

At the conclusion of her presentation, Ms. Rathbone responded to questions on specific sections of her written reports from Commissioners.

It was then

******m/s/c that the HRC adopt the Affirmative Action Program for Port Commission leases as presented. The vote was unanimous.

OLD BUSINESS

- MBE/WBE/LBE Advisory Committee Nominations- Commissioner Soler.

The Commissioner asked again for nominations to be turned in by January 24 for membership on this Advisory committee. She, with Commissioners Moulton and Yamakawa, serves on an ad hoc committee of the Administrative Committee charged with making these nominations.

NO NEW MATTERS

CALENDAR MATTERS

- The next regular scheduled meeting of the HRC will be Thursday, January 24, 1985, at 10:15 AM in the Third Floor Commission Room of the Main Library in the Civic Center.

STANDING COMMITTEES

Employment	Thursday, February 7, 1985 9:30 AM 1860 Mission Street, Second FLoor
Lesbian/Gay Advisory	Tuesday, January 15, 1985 5:30 to 7:30 PM State Building, 350 McAllister Room 1200
Housing and Urban Development	To be announced.
Social Issues and Police Liaison	Wednesday, January 16, 1985 3 PM Room 509, HRC Offices 1095 Market
Youth and Education	Thursday, January 17, 1985 3:45 PM State Building 350 McAllister Room 2217

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION OPPOSING GOVERNMENT SURVEILLANCE OF CONSENSUAL SEXUAL CONDUCT IN BATHHOUSES AND SEX ESTABLISHMENTS IN SAN FRANCISCO.

WHEREAS, health professionals cite types of sexual behavior and not location as causative factors in the transmission of AIDS; and

WHEREAS, governmental regulation and surveillance of private consensual sexual conduct between adults is a basic infringement of civil liberties; and

WHEREAS, the AIDS epidemic is of such a serious and costly nature as to require the appropriation of every available dollar for necessary care, research, and education; and

WHEREAS, $50,000 was spent by the Department of Public Health (DPH) in its surveillance effort to close the bathhouses without prior appropriation of funds and the DPH is proposing to continue surveillance with additional cost to be incurred;

NOW, THEREFORE, BE IT RESOLVED, that the HRC is opposed to the City and County of San Francisco's use of surveillance regarding the private consensual sexual conduct of adults in bathhouses and other establishments;

AND BE IT FURTHER RESOLVED , that the Human Rights Commission is opposed to government departments spending money prior to its being allocated as it sets a dangerous precedent for abuse of public funds;

AND BE IT FINALLY RESOLVED, that the Human Rights Commission strongly supports all necessary funding for the research and education of the causes of AIDS, and on the best means of preventing the spread of AIDS and the best care of those who have AIDS.

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Resolution 2-85
Adopted by the HRC 1/10/85

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Minutes of the Meeting of Thursday, January 24, 1985
Main Library, Civic Center

NEXT MEETING

Date: February 14, 1985
Time: 10:16 AM
Place: Third Floor, Commission
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

Roll Call

Commissioners

Present: Esta Soler (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, Larry Martin, John C. Morrissey, Joan Zamora Moulton, Sal Rosselli, George Suncin, Martin S. Weiner, David K. Yamakawa Jr.

Excused: Thomas Ambrogi, Corinne Lee, Nicerita Revelo, Brenda Wade.

Staff: Grant S. Mickins, Frank Anderson, Linda Chin, Zula Jones, Richard Norton, Clemente Newball-Obregon, Pansy Ponzio Waller, Gail P. Roberts, Mary Gin Starkweather, Essie Thomas, Jackie Winnow.

Guest: Art Tapia, San Francisco Police Department

Pledge of Allegiance

Minutes: The following corrections were made to the Minutes:

1. Page 2-In the last paragraph, the second sentence should read as follows: "There were 12 Ayes and 1 No (by Commissioner Moulton) to this motion."

2. Page 6-In the seoond paragraph the first sentence should read as follows: "... the Ayes were: 4 (Revelo, Chung, Morrissey and Lee) and the Noes werd 8 (Ambrogi, Lyon, Moulton, Soler, Suncin, Martin, Rosselli, Yamakawa)."

The Minutes were then approved as amended.

COMMUNICATIONS

- From Arthur S. Fleming, Citizens Commission on Civil Rights to Director Grant S. Mickins, informing him of the formation of the Citizen's Commission to "stem the tide of regressive federal action." on Civil Rights issues, Mr. Fleming also requested a tax-deductible donation.

- From George A. White, Assistant Executive Director, San Francisco Clean-Water Program to Jesse Diaz, Chief, Division of Clean Water Grants, State Water Resources Control Board, with a cc to Director Grant S. Mickins with a copy of the San Francisco Clean Water Program's MBE participation in A/E contracts for the fourth quarter of the Calendar year 1984.

- From Allan L. Seid, M.D. Committee Chair, Citizens Advisory Council to All interested parties re: Meetings of the Ad Hoc Committee, on Asian American Mental Health Issues.

- From Fredrick E. Jordan, President, S.F. Black Chamber of Commerce to Director Grant S. Mickins announcing a "Salute to Black Business in the Bay Area."

Date: February 27, 1985
Time: 2:00-5:00 PM
Place: Ramada Renaissance

Director Mickins has been asked to participate as a panelist to discuss "Successful Implementation of the MBE/WBE Ordinance."

- From Anni Chung, Executive Director, Self-Help for the Elderly to Interested Parties soliciting $500 to sponsor the Thousand Red Opera Group from Hong Kong at a benefit for the Self-Help Capital Fund.

- From Sidney Williams, President, San Francisco Steel Company, to Director Grant S. Mickins, requesting a meeting regarding their disqualification as a small minority contractor.

- From Edmundo Lopez, Chief, Office of Civil Rights, State Department of Transportation to "Contractors" informing them that a new statute (Streets & Highways. Code #94.4) relating to the certification of MBEs will be in effect and enforced by the DOT.

- From Minority Contractors Association of Northern California to All Interested Parties, an invitation to an awards reception honoring persons for outstanding legal efforts on the MBE/WBE Ordinance,

DIRECTOR'S REPORT

Director Mickins reported on a proposed amendment to Chapter 12D sponsored by Supervisors Renne and Maher. This would allow private non-profit businesses MBE/WBE/LBE status as well as bid preference under Chapter 12D.

This proposal was prompted when Delancey Street, a private, non-profit moving and hauling company wanted to claim LBE status, therefore,claiming a 5% total bid preference. They were refused because of their non-profit status.

The current legislation applies only to for-profit businesses who are taking risks.

Relevant groups and persons have been notified and the Commission will be kept apprised of developments.

STANDING COMMITTEES

ADMINISTRATIVE
Vice Chairperson Està Soler

Commissioner Soler presented a report to all HRC Commissioners from Director Grant S. Mickins re: "Establishing a Latino/Hispanic Standing Committee." Commissioner Soler gave the floor to Commissioner Moulton because this issue was continued from the time when Commissioner Moulton had chair of the Administrative Committee.

Mr. Mickins' report describes the background of Hispanic concerns and the idea of establishing a separate Hispanic Standing Committee. He cites the rationale for the formation of the other HRC Standing Committees, specifically the Lesbian/Gay Advisory Committee. He states L/GAC "was created by the Board of Supervisors because the Lesbian/Gay community was without federal, state or local recognition or protection." No studies had been made on the effects of discrimination on this class. Therefore after public hearings, the Board of Supervisors formed the L/GAC.

Mr. Hickins conclusion reads as follows:

"That the Commission not establish a standing committee for any one racial, ethnic, or religious group. That the Commission rely upon community based organizations to present ushc issues to it while utilizing the voice of the affected members of that class serving on the Commission."

The report also included various appendices showing Hispanic representation including Administrative Committee minutes, a list of Employment Committee members with Hispanic members checked (✓) ORS Civil Service Workforce breakdown and Democratic National Convention Workforce Breakdown together with a list of MBE/WBE Subcontractors.

Commissioner Moulton expressed her desire to take the report back to the Hispanic community to discuss it with relevant persons.

After much discussion clarifying the status of the report

It was

*****m/s/c that the report be referred to the Administrative Committee for discussion and recommendation.

Also, Commissioner Morrissey expressed his opinion that of all minority groups Hispanics face the greatest problems and moved that an ad hoc committee be formed to bring Hispanic issues to the Commission's attention.

It was

*****m/s/c to forward Commissioner Morrissey's suggestion to the Administrative Committee.

Officer Art Tapia of the San Francisco Police Department Police Community Relations Unit stated that he felt an ad hoc committee would not be as long lasting nor have the impact of a Standing Committee and asked that the Commission consider a Standing Committee on Hispanic issues.

YOUTH AND EDUCATION

Commissioners Rabbi Martin S. Weiner, Nicerita Revelo

Report from the Friends of the Human Rights Commission-Beatrice Duncan.

- Ms. Duncan reported that Friends of the HRC is sponsoring a Forum on Chapter 12D to explain the legislation and Rules and Regulations to private industry. Endorsement has been received from the San Francisco Chamber of Commerce and the U.S. Small Business Administration. This forum was the idea of Director Hickins and Mr. Earl Raab, Chair of the Friends in order to help clear up misconceptions about the MBE/WBE Ordinance started by the Examiner articles late in 1984.

The forum will consist of a panel made up of representatives of the Mayor's Office, the Purchasing Department City Attorney's Office and Director Hickins and others.

The tentative date and time planned for the Forum will be:

Date: Monday, March 18, 1985
Time: 8:30 -11:00 AM
Place: San Francisco Unified School District
Board Room
170 Fell Street, Room 30
San Francisco, CA. 94102

- Ms. Duncan also reported that a "Getting to Know You" reception will be held for HRC staff, Commissioners and members of the Friends of the HRC sponsored by the Friends on:

DATE: Thursday, February 14, 1985
TIME: 5:30-7:30 PM
PLACE: Holiday Inn
Civic Center
8th and Markets Streets
San Francisco, CA. 94102

LESBIAN/GAY ADVISORY COMMITTEE

Commissioners Phyllis Lyon and Sa Rosselli-Co-Chairpersons

- Ms. Jackie Winnow reported that she and L/GAC members met at the Russian River with the Golden Gate Business Association and agreed to set up a Minority Task Force to study problems of minorities procuring employment in Gay-owned businesses. The task force will be comprised of 2 employers, 2 employees and 3 members of the L/GAC.

- The Social Issues/Police Liaison Committee will be holding a joint meeting with the L/GAC at the request of Gay American Indians to address their concerns regarding lack of services. The meeting will be held:

DATE: Monday, February 11, 1985
TIME: 5-7 pm
PLACE: State Building, Room 1200
350 McAllister Street
San Francisco, CA. 94102

- There is concern in the Lesbian and Women's communities that there are no longer any grief counseling services for the dying and their loved ones. The Shanti project is completely overwhelmed with AIDS victims and there are no resources for persons with other terminal illnesses.

- There is concern in the Lesbian/Gay Community regarding a recent study contracted out by the AIDS Foundation. There is serious question as to the validity of the study of 500 persons which depicts Gays in San Francisco as being white, male and affluent. The survey did not include youth nor those without phones.

NEW MATTERS

- A Resolution co-sponsoring the upcoming Conference of California Association of Human Rights Organization (CAHRO) jointly with the San Mateo Human Relations Commission was

*****m/s/c for adoption.

- Commissioner Yamakawa announced that the nominating committee for the MBE/WBE/LBE Advisory Committee will be meeting during the week of January 28, 1985.

- An announcement regarding the current status of the Intergroup Clearinghouse was made. The Intergroup Clearinghouse has no one assigned to the office at the HRC because it was determined that the Coordinator of the Intergroup Clearinghouse had improperly taken custody of important contract documents involving bidders in which he had a personal and pecuniary interest and these vital documents were never mailed and presumably destroyed. It was determined that it was no longer acceptable for him to have access to certain important HRC information. The Intergroup Clearinghouse Board is currently working towards a resolution.

The Commission expressed a desire for clarification of the HRC's relationship with Intergroup Clearinghouse and suggested that a meeting be held to discuss this.

- Vice-Chair Esta Soler said that future Administrative Committee meetings will be held based on member's schedules.

Calendar Matters

The next regular scheduled meeting of the HRC will be Thursday, February 14, 1985 at 10:15 AM in the Third Floor Commission Room of the Main Library at Civic Center.

STANDING COMMITTEES

EMPLOYMENT	Thursday, February 7, 1985 9:30 AM 1550 Mission Street, 2nd Floor
LESBIAN/GAY ADVISORY	Monday, February 11, 1985 5-7 PM State Bldg. 350 McAllister Room 1200
HOUSING AND URBAN DEVELOPMENT	To be announced.
SOCIAL ISSUES AND POLICE LIAISION	Monday February 11, 1985 5-7 PM State Bldg. 350 McAllister, Room 1200
YOUTH AND EDUCATION	Thursday, February 21, 1985 3:45 PM State Bldg, Rm 2217 350 McAllister Street

No Remarks from the Audience

The Meeting was adjourned at 11:10 AM.

Respectfully submitted,

Grant S. Mickins
via
Mary Gin Starkweather

GSM:MGS:bclp

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2/14/85

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the meeting of Thursday, February 14, 1985
Third Floor Commission Room, Main Library
Civic Center

NEXT MEETING
Date: February 28, 1985
Time: 10:15 AM
Place: Third Floor Commission Room
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

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Roll Call

Commissioners

Present: Brenda Wade (presiding), Thomas Ambrogi, Samuel Chung, Joe Jung, Phyllis Lyon, Larry Martin, John C. Morrissey, Joan Zamora Moulton, Sal Rosselli, Esta Soler, Rabbi Martin S. Weiner, David K. Yamakawa Jr. Vice-Chairperson Soler presided until 10:30 AM due to Chairperson Wade's delay in traffic.

Excused: Corrine Lee, Nicerita Revelo, George Suncin.

Staff

Present: Grant S. Mickins, Frank Anderson, Bettye Burrell, Beatrice Cardenas-Duncan, Jack Casford, Linda Chin, Zula Jones, Stanley Lim, Richard Norton, Pansy Ponzio Waller, Mary Gin Starkweather, Julie Yim.

Margaret Kisluik, Liaison to the HRC, Mayor's Office.

Pledge of Allegiance

The Minutes of January 24, 1985 were approved with the following changes and corrections:

- On Page 1, after the Pledge of Allegiance is cited, it should read that the Minutes of January 10, 1985 were corrected as outlined.

- On Page 3, second paragraph, third line, it should read "based organizations to present such (it was printed ushu, a typographical error) issues to it....".

- On Page 4, under LESBIAN/GAY ADVISORY COMMITTEE, first paragraph, second line, should read "Russian River with the Tavern Guild of San Francisco (not the Golden Gate Business Association)..."

Also first paragraph, fifth line, the last word "L/GAC" should be changed so the last line reads" (2em-)ployers, 2 employees, and 2 members of the Board of Tavern Guild."

COMMUNICATIONS

- From Frederick E. Jordan, President, San Francisco Black Chamber of Commerce, a copy of a letter to Mayor Feinstein, with copies to Executive Deputy to the Mayor Hadley Roff, Robert Tecco, City Purchaser, Burk Delventhal, Deputy City Attorney, Welton Flynn, President, Black Leadership Forum and others, summarizing items of agreements and discussions with the City authorities regarding "...sham companies operating in the San Francisco Minority business and women-owned business programs."

- From Gail W. Jesswein, Chief, Division of Apprenticeship Standards, of the California Department of Industrial Relations, advising that at the request of Director Mickins, her staff is looking into a case cited regarding granting of exemptions to contractors from meeting the 1 to 5 ratio under Section 1777.5 of the Labor Code.

- From Hadley R. Roff, Executive Deputy to the Mayor, a summary of the meeting the Black Chamber of Commerce had with the Mayor, and asking for Mr. Mickins comments and observations on identifying sham companies (see letter above from Frederick E. Jordan, President, Black Chamber of Commerce).

- From Mayor Dianne Feinstein, a copy to HRC Chairperson Dr. Brenda Wade of her letter to Ms. Rosa Perez responding to Ms. Perez' January 10 letter regarding HRC attention to a number of Latino community concerns with respect to issues it felt were not being addressed. The January 24, 1985 Minutes of the HRC carry Director Mickins' report recommending that the HRC not establish a standing committee for any one racial, ethnic, or religious group (there had been requests that the HRC establish a separate Latino/Hispanic Standing Committee). The Director Mickins (Position Paper) report was referred to the Administrative Committee for discussion and recommendation.

- From Adelbert L. Campbell, Program Manager, Purchasing Department, announcing the mailing of 1,100 copies of the first edition of Bids and Contract Opportunities to all San Francisco vendors in the MBE/WBE Directory, plus all City and County departments. This is part of the HRC/Purchasing Department implementation of the MBE/WBE/LBE utilization ordinance (Chapter 12D of the City Administrative Code). Copies of Bids and Contract Opportunities, which is issued periodically, are available at the Purchasing Department, Room 270 City Hall, (telephone 558-5026) San Francisco, CA. 94102.

- From Marty Mercado, Coordinator, announcement of the meeting March 4 in San Francisco of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence. Mr. Mercado had been a guest for a presentation to the Social Issues and Police Liaison Committee in late 1984.

- From Steven C. Owyang, Executive and Legal Affairs Secretary, California Fair Employment and Housing Commission, inviting Director Mickins to the February 7 meeting of the Fair Employment and Housing Commission in San Francisco, and to make a presentation if he wished.

- From Thomas E. Thompson, District Manager, Associated General Contractors of California, asking for prior notice of the HRC meeting times and dates.

- From Michael A. Graves, Program Director, The National Conference of Christians & Jews, Inc., to Beatrice Cardenas-Duncan of the HRC staff, giving details of a meeting in January of Bay Area Hispanic educators at Golden Gate University, and inviting her to a subsequent meeting February 8.

- From Donald J. Garibaldi, Airports Commission General Counsel, a copy of a memorandum of February 1, 1985 to L.A. Turpen, Director, San Francisco International Airport, regarding a Limousine Service Agreement vis a' vis the requirements of the MBE/WBE/LBE Ordinance (Chapter 12D) and the "set asides" application.

- From Gloria Burchard, Principal, Court School, to Beatrice Cardenas-Duncan HRC, Coordinator, inviting her to become a member of the Community Advisory Council for the children of Court School.

- From Rita R. Semel, Associate Director, Jewish Community Relations Council, inviting Director Mickins to hear John Jacob, President of the National Urban League, speak on the subject of Black/Jewish relations at a plenum being held Sunday, February 17 at the Fairmont Hotel by the National Jewish Community Relations Advisory Council.

- From Frank Fung, Chairman, Council of Asian American Business Association sending the program for a "1985 Super Business Opportunity I" seminar sponsored by the Council February 13, 1985 at the Holiday Inn (Van Ness/Pine).

- From James D. Jefferson, member of the Board of Directors, San Francisco Black Chamber of Commerce, to HRC Chairperson Wade, regarding the February 14 HRC regular meeting agenda discussion (see below) on nominations for membership of the Advisory Committee for the MBE/WBE/LBE Ordinance.

DIRECTOR'S REPORT

- Intergroup Clearinghouse Status.

The January 24, 1985 Minutes, under NEW MATTERS, Page 4, carried a paragraph covering the current status of the Intergroup Clearinghouse.

At this meeting, Commisioner Ambrogi asked the Director for a brief recap of the current status report and an update of what has occurred since January 24.

Mr. Hickins replied that his January 24 statement was in response to a request/question from Commissioner Yamakawa and that the record should show this. There followed other additional questions by Commissioners Moulton, Rosselli, and Weiner regarding the version reported in the Minutes and the basis for such action.

**********The Commission wishes to state herein for the record that on January 24, 1985 the Commission heard from the Director a purely administrative discussion regarding the Intergroup Clearinghouse and the question of HRC access of its Coordinator. This discussion implied no determination by the Commission of the truth or falsity of the statements made therein.**************The Commission sincerely regrets the publication of this discussion in the Minutes of January 24, 1985 and the embarrassment or harm if any to the Intergroup Clearinghouse and its Coordinator and further directs that such statements be deleted from the Minutes.

Commissioner Morrissey on a Point of Order, said that if it were a personnel matter, there should be notices to the person involved, and that the HRC should go into Executive Session to discuss it.

Vice-Chairperson Soler, who was then still presiding, then moved, and it was

***** /s/c that the account carried under the New Matters section of the HRC January 24, 1985 Minutes on Page 4 regarding the current status of the Intergroup Clearinghouse be deleted.

On the suggestion of Commissioner Rosselli,

*****the HRC also asked Commissioners Soler, Wade, and Rosselli to meet within 48 hours to draft phrasingfor a statement to be sent to all who receive the HRC Minutes regarding the deletion of the January 24, account.

STANDING COMMITTEES

ADMINISTRATIVE
Vice-Chairperson Esta Soler, Chairperson

- Recommendation on the Appointment of Nominees for the Community Advisory Committee, MBE/WBE/LBE Ordinance, and on the Establishment of this Committee as an HRC Standing Committee-Vice-Chairperson Soler.

The Commissioner reported that the Ad Hoc Committee on Selection, consisting of herself as Chairperson, with Commissioners Joan Zamora Moulton and David K. Yamakawa Jr. had considered nominee suggestions solicited from members of the HRC and a broad spectrum of community persons and resources, and from 23 names proposed had selected 16, whose names, ethnicity, sex, and current organizational affiliation, with a breakdown of ethnic and sex representation, were on a Memorandum dated February 6 to all Commissioners.

Commissioner Soler said that selection factors included expertise in the business community, and experience in helping develop, document, survey, and draft the MBE/WBE/LBE. Ordinance.

James D. Jefferson of the Black Chamber of Commerce Board of Directors then addressed the HRC from the podium, referring to his February 13, 1985 (see Communications section of these Minutes) letter to the HRC Chairperson asking, on behalf of the Coalition for Economic Equity, that the HRC delay action on the appointment of the nominees until its Ad Hoc Committee can meet with the Coalition to hear its areas of concern about the composition of membership of the nominees of the Advisory Committee.

Mr. Jefferson stated that there were two main areas of concern (based only on the present list of nominees, not having seen resumes or other background data):

---the appointments of persons to the Advisory Committee who can assist in meeting the resistance of some City departments to implementation, that is, minority and women business entrepreneurs who have day-to-day experience with very real problems in this area.

---a legal concern, specifically regarding a nominee who currently is an aide to a member of the Board of Supervisors,about a possible application of a Charter provision prohibiting Board members from participating or interfering in the activities of City department.

Commissioner Morrissey asked Mr.Jefferson if he would recommend that members of departments involved in public works be on the Advisory Committee and was told that there is a need, rather, to have people who can be specific on the kinds of problems they face daily with bidding and obtaining contracts. Commissioner Soler stated that the Ad Hoc Committee had considered the concerns of Mr. Jefferson and the Coalition,

To Commissioner Ambrogi's question if Mr. Jefferson's group desired that the Advisory Committee should be made up exclusively of minority and women business representatives, he responded that their feeling was that it should primarily have that composition, Mr. Jefferson said that minority business people constantly encounter the failure to distinguish between minority business and social services.

Commissioner Weiner then moved that the HRC table further discussion of the Advisory Committee composition, but before action was taken the HRC heard from:

Thomas E. Thompson, Manager, North Bay District, San Francisco District, Associated General Contractors of California, who presented a list of nominees for the Advisory Committee he said time constraints had prevented the AGC from providing when written earlier by the Ad Hoc Selection Committee. He was asked to provide resumes, as well.

George Raya, who said he had been a nominee recommended but not selected for the 10 listed in the Committee's February 6 Memorandum. He outlined his qualifications and asked to be reconsidered.

Wilbur Chinn, President, Asian Architects & Engineers and Board member, Council of Asian American Business Associations. He also urged that the Advisory Committee include morecommunity interests, more accounting experience, and he supported Mr. Jefferson's and the Coalition's delay request.

Mr. Chinn recommended the nomination of Mr. Chek Tan.

***** /s/c (motion of Commissioner Weiner) to table further discussion of the composition of the list of nominees to serve on the Community Advisory Committee, MBE/WBE/LBE Ordinance. The vote was unanimous.

DIRECTOR'S REPORT

- MBE/WBE/LBE Bid Preference as Applied to Charitable, Non-profit Organizations.

Mr. Mickins read from a letter from Mara E. Rosales, Deputy City Attorney, giving the position of the City Attorney's Office on the request by the Delancey Street Foundation for certification as an MBE or LBE in seeking a City contract for moving services.

Presently, Chapter 12D defines MBE and LBE, respectively, as those for profit...owned or controlled by one or more minority persons, and as a business firm with fixed offices in San Francisco listed in the permits and licensed tax paid file. The City Attorney thus ruled that Delancey Street Foundation was not entitled to bid preferences afforded to MBEs and LBEs. Mr. Mickins read pertinent sections of this letter. He noted that Supervisor Bill Maher has requested that the City Attorney draft amending Legislation for the Board of Supervisors that would include nonprofit businesses eligible to bid preferences under Chapter 12D.

This letter and its ruling stands as the current position, Mr. Mickins said, and the HRC has not yet taken a formal stand on the question of adding nonprofits to the ordinance.

Commissioner Yamakawa commented that he had expressed his concern about omitting nonprofits early in the discussions regarding the composition of the MBE/WBE/LBE ordinance.

- Associated General Contractors' Legal Challenge to Chapter 12D.

A civil rights suit was filed October 24, 1984, by the AGC and five Bay Area contractor members, seeking an injunction to keep the City from enforcing Chapter 12D. A temporary restraining order was denied by Judge Thelton Henderson of the U.S. District Court. At a preliminary hearing November 5 before Judge Henderson, claims of violation of Constitutional due process and equal protection and of the City Charter by Chapter 12D were denied.

Mr. Mickins announced that the federal Circuit Court of Appeals subsequently has voted to affirm the earlier ruling of the U.S. District Court. The matter could still continue through higher federal court levels, ultimately to the U.S. Supreme Court.

REPORT OF THE CHAIR

- Standing Committee Appointments for Calendar Year 1985:

Chairperson Wade made the following appointments:

Administrative: Chairperson : Vice-Chairperson Soler

Employment: Co-Chairpersons: Commissioners Lee and Yamakawa
Member: Commissioner Martin.

Housing and Urban Development: Co-Chairpersons: Commissioners Jung and Morrissey

Lesbian/Gay Advisory: Co-Chairpersons: Commissioners Lyon and Rosselli.

Social Issues and Police Liaison: Co-Chairpersons: Commissioners Ambrogi and Moulton.
Member : Commissioner Chung

Youth and Education: Co-Chairpersons: Commissioners Revelo and Weiner

MBE/WBE: pending.

YOUTH AND EDUCATION
Commissioners Nicerita Revelo and Rabbi Martin S. Weiner
Co-Chairpersons

No Report.

EMPLOYMENT
Commissioners Esta Soler, Corrine Lee-Co-Chairpersons

- Department of Public Health Affirmative Action/Contract Compliance Report for Fiscal Year 1983-1984--Mary Gin Starkweather.

Ms. Starkweather's narrative report follows below verbatim as she delivered it. The lack of dollar figures in the second paragraph are due, she said, to the inablity of the Department of Public Health staff to provide them in time for this report. She praised very highly the cooperation of the DPH staff in her work, however. Attached to the narrative report are eleven pages of statistical charts showing: DPH workforce breakdowns by job categories, sexes, and ethnicity; percentage comparisons of minorities and women to the entire workforce by job category; percentage comparison of minority and women workers to the entire workforce; the percentage comparison of the minority workforce by sex, the racial breakdown by job category; a percentage comparison to the entire workforce for disabled persons; and the disabled by sex; and, finally, the minority workforce comparisons by year.

The verbatim Starkweather narrative report follows as she wrote it:

Since 1982, HRC staff has been monitoring the contracts let through Community Mental Health Services (CMHS) and Community Substance Abuse Services (CSAS). The CMHS contracts are awarded to various agencies which respond to community needs varying from crises intervention, services to the developmentally and learning disabled to residential halfway houses. The Community Substance Abuse Services are for drug and alcohol users and vary from overnight shelters to day treatment to long-term residential treatment facilities.

In FY 82-83, staff monitored 110 agencies. In FY 83-84, the number of agencies dropped to 84. The Department of Public Health (DPH) awarded $ to CMHS contractors and $ to CSAS Contractors. Thirty-four Affirmative Action Agreements have been negotiated and signed this year.

Staff has been working in a cooperative effort with Department of Public Health staff on the program. Before a contract is awarded, each agency must submit a completed HRC Questionnaire on Recruitment, Hiring and Training Practices to HRC staff. A memo declaring approval or conditional approval for award of the contract is sent to DPH staff after HRC staff has reviewed the workforce data submitted. If an agency is given conditional approval, improvement in their hiring practices must be evident before the contract can be renewed. At present, 11 agencies are on conditional approval.

Summary Highlights

- In 1982-83, 2,367 persons were employed by DPH contractors, 1,003 males and 1,364 females. In 1983-84, because of fewer contracts the number decreased to 2,100, 916 males and 1,184 females.

- In 1982-83, minorities comprised 42% of the total workforce, and in 1983-84 they comprised 46.8%,an increase of 4.6%. In 1981-82, minorities comprised 38% of the workforce. In 3 years, an 8.6% increase in minority employment has been realized.

Regarding women, in 1982-83 women comprised 58% of the total workforce and in 1983-84 comprised 56.4% a drop of 1.6%. In 1981-82 women comprised 52% of the workforce . Over three years women have had a 4.4% increase in employee numbers.

- In 1982-83, 47% of the male employees were minorities and 39% of the female employees were minorities. In 1983-84 the male percentage dropped .6% to 46.6%, but the female percentage increased by 8.1% to 47.1%. In 1981-82, 43% of the males were minorities, showing an overall increase of 3.4% in minority male employment. However, female minority employment has increased a dramatic 15.1% since 1981-82 when the female minority percentage was 32%.

- Racial Breakdown by Job Category statistics show that although some progress has been made in total minority employment in all categories except Officials and Managers some minority groups experienced declines in representation since FY 1982-83.

  In separating the various ethnic groups, it can be seen that in FY 1983-84:

Black-Blacks made gains in all categories from .1% gain in the Professionals category to a 9.1% increase in the Office and Clerical category. Overall, there was a 2.8% increase of Blacks in the workforce.

Hispanic-Hispanics made gains in the Technicians (.9%) Office and Clerical (5.1%) Laborere and Service Workers (3.9%) categories. However, there was a 4% decline in the Officials and Managers Category, a dramatic 50% decrease from 8% in 1982-83.

Asian/Pacific Islander-Asians made gains in the Professionals (1.3%), Technicians (2.2%), Operatives (4.7%, categories with an overall increase of .9% for all categories. However, there were decreases in the Officials and Managers (2.2%) and Office and Clerical categories (1%).

Filipino-Filipinos made gains in all job categories except Officials and Managers where a slight decline (.4%_ was experienced. The gains were as follows: Professionals, .3% Technicians 2.5%; Office and Clerical 1%; Operatives 2.5%, Service Workers, 1%.

American Indian/Alaskan Natives American Indians remained approximately the same as the previous fiscal year. They represented . 4% of the entire workforce.

In FY 1983-84, the number of disabled persons employed nearly doubled from the previous year, from 61 to 106 persons. Disabled males comprised 3% of the total workforce compared to 1.4% in 1982-83 and females comprised 2.1% compared to 1.1% in 1982-83. This totals 5.1% more than a 100% increase from 2.5% the previous year.

The Minority Workforce Comparison by year table shows that gains were made by all groups except Hispanics, who showed a .8% decrease. Minorities as a whole showed a 3.1% increase in employment.

Compared to the Civilian Labor Force of San Francisco County, according to the 1980 EEO Census file, the DPH Contractor 1983-84 workforce stands as follows:

	EEO %		DPH %	
Black	10.2%		24.8%	
Hispanic	11.3%		9.2%	
Asian/Pacific Is.*	21.5%		8.9%	
		Filipino	3.6%	+ 12.5%
American Ind/Alask Nat.	.5%			

*A Filipino breakout is not available in the EEO statistics.

As can be seen by these statistics, Blacks are well represented and Asians are underrepresented. This is due partly to the fact that Blacks have been the vanguard in recognizing the need, setting up the services, and making careers in the Substance Abuse and Mental Health fields.

Also there were no Substance Abuse programs available to specifically serve Asian clients. There were several Mental Health programs in Chinatown which were staffed by approximately 50 Asian Civil Service employees. These employees have not been counted in may statistics.

The drop in Hispanic representation in tbe Officials and Managers category is partly attributable to the closing of some programs in the Mission. However, new programs are being funded this year and the Hispanic representation should rise this coming fiscal year.

In closing, HRC staff will continue to negotiate Affirmative Action Agreements with DPH contractors, with special emphasis on recruitment of Asians and Hispanics in decision-making positions. Staff will continue to work especially with those contractors who have only conditional approval.

Ms. Starkweather responded to several Commissioner questions and comments. She explained the conditional approval status of some companies. She reviews questionnaires returned by contractors, and if there have been no improvements in affirmative action areas, or there have been no changes at all, she informs the DPH that a "conditionally approved" contractor must show improvement in the next contracting period or have renewal under question. She said she offers to give consultation and advice to these companies in their efforts to improve.

- Commissioner Yamakawa requested that the listed eleven companies on conditional approval be identified in her next report, with the reasons given for their lack of positive action.

It was

*****m/s/c to accept Ms. Starkweather's report. The vote was unanimous.

SPECIAL ORDER

Proposed Amendment of Chapter 12D. Rules and Regulations re:
Allocation of Preference Points. (Amendment to Rules and Regulations
III. RESPONSIBILITIES
(B) Responsibilities of all Departments
4. Bid Preferences:

Page 12. first paragraph,
line five:

Director Mickins referred to a Memorandum dated February 7, 1985 he sent to all Commissioners proposing adoption of the following amendment (as specified above):

Page 12 (4) lines 5-12

DELETE:

"5% of the lowest responsible bid for MBEs or WBEs,
5% of the lowest responsible bid for local businesses.
That is, an MBE/WBE/ LBE within five percent above the lowest bid or an MBE/WBE who is also an LBE within ten percent above the lowest bid is deemed to be the lowest responsible bidder.

For purposes of determining the lowest monetary bidder, the applicable percentage preferences (s) will be subtracted from the bid price submitted not to exceed 10%.

AND ADD:
Once all bids are received, the bid of each eligible MBE/WBE/LBE shall be reduced by an amount equal to 5% or, where applicable, 10% of that business's bid.

Director Mickins explained in great detail the reasons for the City Attorney's recommendation for the adoption of this change.

Commissioner Yamakawa suggested that there be provided in the Rules and Regulations specific examples to illustrate to users to make clear what the outcome will be using various provisions.

- The HRC then heard a formal statement from James Reilly, Chief Estimator, Commercial Department, Anderson Constructors, Inc San Francisco. Mr. Reilly outlined his position opposing adoption of the recommended amendment to the Rules and Regulations. He elaborated on four major points:

1. Use in the Courts of "standards administered" guidelines, State and federal.

2. Intent of the Board of Supervisors.

3. Equity and fairness.

4. Effect on local businesses.

Director Mickins responded to some of the calculation figures used by Mr. Reilly to illustrate his objections, and he urged that the HRC consider the City Attorney's advice as a means to correct confusion now existing.

Commissioners Morrissey and Weiner expressed their personal agreements with certain of the points made by Mr. Reilly.

It was then

*****m/s/c that the HRC adopt the recommended amendment of the Minority/Women/Local Business Enterprises Chapter 12D of the San Francisco Administrative Code, Rules, and Regulations, Page 12 (4) lines 5-12 by deletion of the seven lines cited, and the addition of the three lines cited. The vote was:

AYES: Chung, Jung, Lyon, Martin, Moulton, Rosselli, Soler, Yamakawa, Wade (9)
NOES: Ambrogi, Morrissey, Weiner (3).

- Commissioner Weiner asked that the City Attorney be asked to present his recommendation to the HRC in detail at the next (February 28) regular HRC meeting.

- Director Mickins also referred to his Memorandum of February 13, 1985 to all Commissioners listing for their information a number of changes that have been made in the MBE/WBE/LBE Rules and Regulations.

REMARKS FROM THE AUDIENCE

- Frank Mock, a contractor, made a long statement of protest over his failure to receive final notice from the HRC to his request for certification as a locally-owned business. He insisted that he had operated out of his home as a contractor for a number of years.

Director Mickins and then Stanley Lim, of the HRC staff, responded to Mr. Mock at some length, and he was informed that an investigation of his local status was still under review. He was assured that every effort would be made to expedite the HRC investigation of his certification status.

****Chairperson Wade referred the matter to the Administrative Committee for a review of all the facts in this controversy.

Mr. Mickins said that Mr. Moc's case was one that illustrated the kind of close scrutiny it behooves the HRC to make certain that businesses making certification applications fully comply with the eligibility guidelines, and rules.

CALENDAR MATTERS

- The next regular meeting ofthe Human Rights Commission will be Thursday, February 28, 1985 at 10:15 AM in the Third Floor Commission Room of the Main Library in the Civic Center.

STANDING COMMITTEES

Employment	Thursday, March 7, 1985 9:30 AM 1850 Mission Street, 2nd Floor
Housing and Urban Development	To be announced.
Lesbian/Gay Advisory	Tuesday, February 19, 1985 5:30 -7PM State Building, 350 McAllister, Room 1200
Social Issues and Police Liaison	Wednesday, March 20, 1985 3 PM Room 509, HRC Offices
Youth and Education	Thursday, March 21, 1985 3:45 PM State Building, Room 2217

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, February 28, 1985
Third Floor Commission Room
Main Library, Civic Center

NEXT MEETING
DATE: Thursday, March 14, 1985
TIME: 10:15 AM
PLACE: Third Floor Commission Room
Main Library, Civic Center

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ROLL CALL

Commissioners

Present: Brenda Wade (presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, John C. Morrissey, Joan Zamora Moulton, Nicerita Revelo, Esta Soler, George Suncin, Rabbi Martin Weiner, David K. Yamakawa Jr.

Excused: Thomas Ambrogi, Larry Martin, Sal Rosselli.

Staff

Present: Grant Mickins, Frank Anderson, Bettye Burrell, Bea Cardenas-Duncan, Jack Casford, Linda Chin, Bayard Fong, Jacquie Hale, Don Hesse, Ed Ilumin, Zula Jones, Stanley Lim, Richard Norton, Clemente Obregón, Gail Roberts, Essie Thomas, Jackie Winnow, Chabe Yrigoyen.

Margaret Kisliuk, Liaison to the HRC, Mayor's Office.

Pledge of Allegiance

Minutes of February 14 1985,approved.

******Vice-Chairperson Soler, speaking for Commissioner Rosselli, asked that the section on the Intergroup Clearinghouse Status, under Director's Report, Page 3 of the 2/14/85 Minutes, be attached to the Minutes of February 28, 1985 as a separate section. See Attachment #1 to these Minutes with the excerpted formal statement of the HRC from the 2/14/85 Intergroup Clearinghouse Status report.

COMMUNICATIONS

- From Mayor Dianne Feinstein, to Chairperson Brenda K. Wade and HRC members, a letter expressing her support for the Director's Report given at the HRC regular meeting of Jan 24, 1985, regarding creation of a "Latino Standing Committee." Director Mickins recommended against creation of such a committee.

- From Margaret Kisliuk, Office of the Mayor, a Memorandum regarding the HRC's budget issues for Fiscal Year 1985-86, with specific questions regarding various HRC functions and staff duties.
- From Office of the City Attorney, an copy of Opinion No. 85-2, issued February 8, 1985, on the subject of Comparable Worth: Implementation Under Existing Charter Provisions and Application of General State Law on that Subject, as requested by John L. Taylor, Clerk of the Board of Supervisors.

- From Margaret Kisliuk, a copy of Memorandum of February 15, 1985, to the Members of the Mayor's Comparable Worth Task Force, attaching four pertinent items.

- From Linda Blagburn, Advisory Committee, San Francisco Office, Minority Contractors Association of Northern California, to Director Mickins, confirming he will be a guest speaker at an open-house on Thursday, March 14 1985, from 5:00-9:00 PM.

- From Naomi M. Stauber, stating the interest of Concessions International Inc., regarding concessions opportunities at San Francisco International Airport.

- From Supervisor Nancy G. Walker, regarding a complaint received by her alleging a minority trucking company is an "MBE front" for another firm.

- From James D. Jefferson, for the Coalition for Economic Equity, a member of the Board of Directors of the San Francisco Black Chamber of Commerce, to Chairperson Wade and HRC members, asking for a two-week continuance on deliberations for the Ad Hoc Selection Committee for the MBE/WBE/LBE Advisory Committeein order to make a final recommendation for its membership.

DIRECTOR'S REPORT

- Deputy City Attorney Mara Rosales--Response/Information as Requested on Allocation of Preference Points Amendments to Rules and Regulations for Chapter 12D as Adopted February 14, 1985.

At the HRC 's February 14, 1985 meeting, , on recommendation of the City Attorney's Office, the HRC adopted, as part of the Rules add Regulations, Bid Preferences, the following wording: "Once all bids are recieved, the bid each eligible MBE/WBE/LBE shall be reduced by an amount equal to 5% or, where applicable, 10% of that business's bid."

In the course of HRC deliberation on this amendment action, it heard from James Reilly, Chief Estimator, Commercial Department, Anderson Constructors, Inc, opposing adoption of the recommended amendment. Following his presentation, Commissioners Weiner and Morrissey expressed theri personal agreement with certain of the points made by Mr. Reilly, and Commissioner Weiner asked that the City Attorney'sOffice be represented at this February 28 meeting to discuss the recommended amendment in detail.

One of Mr. Reilly's points on February 14 had been that State and federal guidelines in computing bid preferences are those recognized by the courts.

Commissioner Morrissey recalled also that he (Mr. Reilly) had said that in all other institutions of government, when preferences or percentages are computed they are based on the lowest bid.

Ms. Rosales said she did not recall whether in discussions during the drafting of the Rules and Regulations for Chapter 12D there had been reference to the State's method of bid preference computation.

Commissioner Weiner also asked whether any court precedents or other means of working out bid preferences had been discussed at the time, and Ms. Rosales said not that she recalled. Ms. Rosales noted that in the recent challenge to the constitutionality of Chapter 12D by the Associated General Contractors, a challenge rejected by the federal Circuit Court of Appeals, the computation methodology was not raised.

As this discussion continued on the percentage computation/bid preference question, Ms. Rosales stated that the Board of Supervisors had, in adopting Chapter 12D, weighed the cost factors (mentioned by Commissioner Morrissey in terms of "what the 10% preference would cost the City") against the social and public interest. Ms. Rosales also cited Section 7.204 of the City Charter which provides, she said, for local industry bid preferences.

Commissioner Yamakawa was told by Ms. Rosales that she could see no legal problem to altering the present Rules and Regulations provision on bid computations to conform to the prevailing view (as represented by Mr. Reilly, re: State and federal guidelines) basing on the "lowest bid received".

Ms. Rosales stated that even assuming that there are State and federal regulations consistent with Mr. Reilly's view, that information is helpful to the HRC, but not controlling, in its determination of the matter.

- Commissioner Weiner stated, for the record, that "You have indicated to us there's nothing in State or federal regulations that requires any specific calculation procedures and there is no court that has mandated or indicated a specific calculation procedure...and meanwhile, with the new issue that Commissioner Yamakawa has raised, we ought to clarify some unified approach to the calculation among all City departments, because if that's being done one way, it could make or break a large contract."

Ms. Rosales suggested that the Director of the HRC issue a notice to all City departments explaining the Rules and Regulations and giving examples of how they are to be carried out.

It was then

*****m/s/c that the HRC staff, in consultation with the City Attorney, be empowered as soon as possible to convey a clear interpretation of the those guidelines and calculations to make sure there is a unified calculation followed by all City departments. The vote was unanimous.

SPECIAL ORDER

- Status of HRC Chapter 12D, Minority/Women, Local Business Enterprises Ordinance, signed by the Mayor April 11, 1984; implementation and Rules and Regulations adopted August 10, 1984.

Director Mickins then used a standing easel chart to explain in detail the current status of the HRC's work in implementing 12D, noting that there are nine major responsibilities out of the nineteen that are specified in the measure:

1. Review and approve (City) departments' plans for compliance. The first deadline was September 30, 1984, but many of the plans were very late in coming in, he noted.

2. Develop and maintain a Directory of Certified MBE/WBE/LBEs.

3. Certify and pre-certify MBE/WBE/LBE businesses.

4. Circulate a City and County contracting opportunities Registry. Mr. Mickins said this listing was in its foruth edition.

5. Establish a central office for bid and solicitation notices. This is Room 270, the City Purchaser's Office in City Hall, a site designated in a Memorandum of Agreement with the City Purchaser.

6. Establish a Community Advisory Committee.

7. Review quarterly (now under way) Management-by-Objectives data from City Departments for compliance.

8. Explore the need for a special revolving fund to meet bonding and insurances needs. A Consultant Contract for Technical Assistance was granted Aileen C. Hernandez Associates for this work January 10, 1985.

9. Develop and conduct open houses, training, and education programs for City departments and MBE/WBE/LBEs.

The outreach work, called by the Director", a vital part of the implementation program," is under way. He has been meeting with community groups for the past two weeks, and the Friends of the San Francisco Human Rights Commission is sponsoring an "Information Forum for Business" on the new 12D ordinance on Monday, March 18, 1985 from 8:30 to 11:30 AM in the Board Room of the School District. See presentation by Beatrice Cardenas-Duncan below.

Mr. Mickins read figures from a compilation report by Linell C. Harden, Contract Compliance Representative based at the City Purchasing Department to supervise and conduct certification and community contact work for the 12D implementation.

Mr. Harden reported that through December 31, 1984, the HRC staff had certified 579 MBE/WBE/LBEs, and that during the period from September 1 through November 30, 1984, staff had monitored 487 contracts bid, 464 awarded. The dollar amount of these contracts was $1,659, 163.

The full report is attached to these Minutes.

Commissioner Morrissey was told, in response to his inquiry, that figures are not yet available on what percentage of the total number of MBE/WBE/LBEs in San Francisco the Harden report represents. The Director re-emphasized that extensive outreach is to be a part of informing as wide a group as possible of the existence of these bidding opportunities. He said the HRC expected to have more than 1,000 certifications of MBE/WBE/LBEs by late Spring. He also announced that the HRC is developing a schedule for the next year to cover a series of seminars, workshops, open houses and other forms of community participation and information for Chapter 12D.

- Summary of City Department's MBE/WBE Utilization Plans-Fiscal Year 1984-85 Status of February 25, 1985.

Mr. Anderson gave the highlights of a three-and-half page narrative report, the third in a series since November 21 and December 11, 1984.

Here, verbatim, the report as Mr. Anderson wrote it. It contained also a breakdown by department showing that status of its plan (that is, approved or pending, or no jurisdiction.)

Summary of Report

This is the third in a series of reports since November 21, 1984, and December 11, 1984 to the Human Rights Commission regarding City departments' MBE/WBE Utilization Plans for FY 1984/85. This report summarizes the status of City departments plans for compliance with the local Ordinance regarding City contracting with minority-owned businesses (MBEs) and women-owned businesses (WBEs).

The Ordinance requires each department to prepare a plan on how it intends to comply and submit it to the HRC for review, evaluation and certification.

This report reviews the certification process, status of each plan, contract activity, departmental contact, problems and recommendations.

Introduction

The purpose of this report is to review and update the status of City department MBE/WBE plans submitted to the Human Rights Commission for certification. Ordinance 139-84 (Chapter 12D of the City Administrative Code) was enacted to encourage the participation by businesses owned and operated by minorities (MBEs) and women (WBEs), in contracts let by and through the City and County of San Francisco. This Ordinance requires each City department to prepare and submit a contract utilization plan to the HRC for evaluation and approval. Plans will be certified annually for a period of one year, However, the first plans will only be certified until June 30, 1985.

Analysis

The Ordinance established minimum goals for each department which contracts for goods and services. Each department is required to set aside annually ten percent of all contract dollars for MBE contractors and two percent of all contract dollars for WBE contractors. In addition, minimum goals of thirty percent of all contract dollars for MBE contractors and ten percent of all contract dollars for WBE contractors have been targeted. The HRC requested all City departments to submit plans as per the Ordinance, using their best known projections and/or the previous year's contract activity as a base for planning.

These plans were reviewed and analyzed by the HRC staff in regard to the requirements of the Ordinance. A significant amount of staff time and resources has been allocated to this certification process. The information provided to the HRC by departments (i.e., plans) was accepted under the provisions of the Ordinance as meeting the requirements ,conditions and accuracy thereto, as submitted in their plans. Nothing in the certification of these plans constitutes total independent verification of the information submitted.

City departments were informed of specific problems, issues and the overall appraisal of their plans, prior to formal notification by the HRC. Some of the plans are still not to the total satisfaction of HRC staff. However, it is the staff's hope that these plans will improve both in the quality of content and format in the forthcoming fiscal year.

The data in several plans requested by HRC has been submitted in "bits an pieces" by departments. The HRC has requested departments to reassemble their data into a comprehensive format, especially for public review. The plans are quite general in scope. They do not elaborate on the characteristics of individual contracts or the department function.

Department plans for FY 1985/86 are due to the Mayor and the Human Rights Commission on March 4, 1985. There is a new plan format, a detailed form. This new and different format should expedite the process of plan certification. The FY 1984/85 plan format was basically narrative in scope.

Conclusion

The certification phase of department plans for FY 1984/85 is nearly completed. The Human Rights Commission has acted on the following forty nine (49) plans to date:

Plans Approved	38
Provisional Approval	- 4
Pending	- 5
No Jurisdiction	- 2

It is anticipated that the five (5) pending plans will be submitted and certified soon.

An overall analysis of the plans has pinpointed the following collective problems:

- Staff shortages in small and medium -sized departments in this area.
- Unfamiliarity of City personnel with specifics of the Ordinance.
- The lack of a comprehensive plan with specific action steps.
- The lack of an assertive outreach program to the MBE/WBE communities.
- The Ordinance appears to have a low priority in several departments. There is a critical need to designate staff resources in departments, on an on-going basis, to implement the objectives of the Ordinance.

These problems may be due in part ot the recency of the legislation. However, unless these problems are addressed and resolved immediately, they will impede the successful implementation of the Ordinance.

In general, the HRC has had good cooperation from the personnel of City departments. We appreciate the continued cooperation of departments in these endeavors

Mr. Anderson responded to a number of questions from Commissioners following his presentation. He described some of the difficulties in verifying the data submitted by certain City departments, one of which substantially reduced its previously-submitted figures for the total amount and number of contracts let. He emphasized that the report shows that the HRC, which has no auditor staff to make field visits and check figures, has accepted departmental plans as submitted as meeting requirements.

He said that ideally the HRC would like monthly status figures, but that few departments have the staff resources to do this. He said several intend apparently to ask for additional staff for this purpose in their budgets. Most departments, he said, have no experience in outreach.

It was explained to Commissioner Yamakawa by Commissioner Lee that the San Francisco Unified School District(with the Community College District) is exempt from HRC jurisdiction because it has been deemed a State agency by the courts. The Housing Authority and Redevelopment Agency, however, though technically State agencies, submit implementation plans to the HRC under a directive from the Mayor, Director Mickins said.

After further discussion, it was moved(by Commissioner Weiner,)

*****m/s/c that Director Mickins be directed to write to all City department heads encouraging them to assign the highest priority of their own energies to the provision of the information needed to monitor departmental implementation of Chapter 12D, and to indicate concern, where it is felt necessary, about the quality of information.

The vote was unanimous.

Commissioner Yamakawa also suggested that along with the motion recognition be given to expressing concerns to the Mayor's budgeting office.

Commissioner Morrissey urged that the HRC staff make certain it is asking for "information that the HRC actually is using immediately."

- Report of the Friends of the Human Rights Commission- Beatrice Cardenas-Duncan.

The Friends are sponsoring an "Information Forum for Business," to be held Monday, March 18, 1985 between 8:30 AM-and 11:30 AM in the San Francisco Unified School District Board Room, 170 Fell Street, Room 30. This Forum is designed to provide to a wide spectrum of community minority and women-owned business entrepreneurs basic information on how they can benefit from Chapter 12D. Ms. Duncan explained in brief the program, which will include a formal welcome from Earl Raab, Chair of the Friends, and Director Mickins. Lawrence J. Wedarski, Dire of the U.S. Small Business Administration, will be a guest. A panel discussion will include Margaret Kisliuk, Program Manager,(liaison to the HRC, Mayor's Office; Mr. Mickins; Robert Tecco, Director, City Purchasing Department; Adelbert Campbell, Program Manager (City) Minority Business Development; and Burk E. Delventhal, Deputy City Attorney. Supervisor Willie Kennedy is expected to attend.

More than 3,000 invitations will be mailed, and contact has been made for television and radio coverage. Mailing lists have been obtained from the San Francisco Chamber of Commerce, the Small Business Administration, and other Bay Area groups.

Followup on the meeting will include a survey and possible list of recommendations.

- New Staff Member

Linda Chin, formerly with the Chinatown Resource Center, joined the HRC staff in January as a Human Relations Representative working in affirmative action and contract compliance.

REPORT OF THE CHAIRPERSON

- Annual HRC Human Rights Award.

The Chairperson suggested that the HRC establish an annual award honoring a San Francisco resident who makes the greatest contribution in the area of human rights. She noted that this would demonstrate the HRC's encouragement for activity of a positve nature, whereas it many times has to serve as a watch-dog agency, taking corrective measures with firms or individuals not in compliance.

It was then

*****m/s/c that the Administrative Committee be asked to take on project working out the taking of nominations. She said that it was understood that the Friends of the HRC have an interest in having such an award presentation be its annual fund-raiser event.

STANDING COMMITTEES

ADMINISRATIVE
Vice-Chairperson Esta Soler, Co-Chairperson

- Recommendations of the Ad Hoc Committee on Nominees for the MBE/WBE Community Advisory Committee - Commissioners Soler, David K. Yamakawa Jr. and Joan Zamora Moulton.

Vice-Chairperson Soler said that the Committee is still studying the nominations and will make its final recommendations for HRC action at the March 14 regular meeting. She asked if there any suggestions from the audience and there were none.

Commissioner Revelo asked to make a statement. She said she had nominated two members of the Filipino community and that she was chagrined to learn that neither was under consideration among the finalists for nomination. She said one of her nominees bears the family name of her husband, but is not related to her. She urged very strongly that the Ad Hoc Committee re-consider its consideration of her two nominees to represent the large San Francisco Filipino population.

LESBIAN/GAY ADVISORY
Commissioners Phyllis Lyon and Sal Rosselli-Co-Chairperson

- Report of Results of American Indian Center/Gay American Indians Mediative Meeting of February 11, 1985-Commissioner Lyon.

The Joint Meeting of February 11, 1985, which was closed to the public in deference to the wishes of the groups involved, was held as a substitute for a planned Joint Meeting of the Lesbian/Gay Advisory and Social Issues and Police Liaison Committees. The Joint Meeting was requested by the L/GAC at the HRC January 10, 1985 meeting because it believed, based on representations made to it December 16, 1984 by Gay American Indian representatives, that their allegations "were beyond its scope in many other areas."

Commissioner Lyon reported that it was made clear (she presided over the February 11 Joint Meeting) at all times that the HRC was working under its mandate to reduce community and intergroup tensions under Chapter 12A, and its sole intent was to facilitate the establishment of a dialogue between the Gay American Indians and the American Indian Center, the Corporation for American Indian Development, and the American Indian Council.

Minutes of the February 11, 1985 meeting have been mailed to all parties who attended it or who have requested them.

Commissioner Lyon said that certain items were agreed on at the end of that meeting, including;

1. A report would be made to the HRC.

2. A personnel issue that was in contention(over which the HRC has no jurisdiction) would be the subject of talks between the contending groups for establishing a hearing.

3. The American Indian Center, the CAID, and the American Indian Council would notify GAI of the dates of their board meetings, with the latter being allowed to speak on written request to do so.

Commissioner Lyon said the February 11 meeting adjourned with the HRC position that it had no further involvement in the matter and no further role to play.

Ms. Chockie Cottier, Chief Executive Officer, American Indian Center, then came to the podium. She distributed copies of a letter (not dated) addressed to Commissioner Lyon sharply criticizing the February 11 Minutes and demanding three specific actions by the HRC.

Her charges against the HRC and its staff included that there had been "blatant violation of the intent of the HRC and its authority given under 12A"; "blatant misconduct by staff in conducting and putting together the (meeting)" and "lack of due process. "; She said that never, from December 16 (when the GAI went to the Lesbian/Gay Adivsory Committee) until January 16 had the Center been contacted, and that GAI had never, before or since, come to the Center with a formal request for any investigation.

She charged that "the Committee has been used in fact to legitimize false allegations and outright libelous lies."

She said that the GAI, calling itself Concerned American Indians of the Bay Area, had held a public community meeting on February 22, and subsequently testified before the Police Commission opposing granting of a license to operate bingo by the Corporation for American Indian Development.

Mike Wells, Director of Research and Development of the Corporation for American Indian Development, also spoke in support of Ms. Cottier's positions, saying, " This has caused a great deal of disruption with our plans for funding", and demanding "exoneration" by the HRC in writing.

Mr. Wells and Ms. Cottier said action by the HRC was needed "immediately" hearings on a number of critical matters to them were pending.

Chairperson Wade then began a long process of trying to find a formula for resolving these concerns.

An undated letter to Commissioner Lyon from Ms. Erna Pahe, of Gay American Indians, who had attended the February 11 meeting, was given to her. She said she had never received it. She did read from a letter Ms. Pahe had written to the Chief of Police which ocntained a statement Ms. Lyon said was untrue.

A number of suggested resolutions to this controversy were put forth and discussed by Chairperson Wade, Commissioner Yamakawa, Commissioner Morrissey, Commissioner Weiner, and others.

Eventually, the Chairperson

*****referred the matter to the Administrative Committee for its review of the issues and documents involved, for preparation of a "synthesis" of them, and for the drafting of a public declaration of its finding.

******stated she and Director Mickins would draft a letter to the Chief of Police refuting certain statement made in a letter to him from Ms. Erna Pahe, and stating the position of the HRC.

NO NEW MATTERS

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, March 14, 1985 at 10:15 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Employment	Thursday, March 7, 1985 9:30 AM 1850 Mission Street, Second Floor
Housing and Urban Development	To be announced.
Lesbian/Gay Advisory	Tuesday, March 19, 1985 5:30-7:30 PM State Building, 350 McAllister, Room 1200
Social Issues and Police Liaison	Wednesday, March 20, 1985 3 PM Room 509, HRC Office
Youth and Education	Thursday, March 31, 1985 3:45 PM State Building, Room 2217

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

Attachment

GSM,JC:bclp

Attachment #1

COMMISSION STATEMENT OF REGRET

******The Commission wishes to state herein for the record that on January 24, 1985 the Commission heard from the Director a purely administrative discussion regarding the Intergroup Clearinghouse and the question of HRC access of its Coordinator. This discussion implied no determination by the Commission of the truth or falsity of the statements made therein.

******The Commission sincerely regrets the publication of this discussion in the Minutes of January 24, 1985 and the embarrassment or harm if any to the Intergroup Clearinghouse and its Coordinator and further directs that such statements be deleted from the Minutes.

GSM:bclp

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, March 14, 1985
Third Floor Commission Room, Main Library

NEXT MEETING

DATE: Thursday, March 28, 1985
TIME: 10:15 AM
PLACE: Third Floor Commission Room
Main Library, Civic Center

DOCUMENTS DEPT
MAR 22 1985
PUBLIC LIBRARY

NOTE

See under Calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

ROLL CALL

Commissioners:

Present: Brenda Wade (presiding), Samuel CHung, Joe Jung, Phyllis Lyon, Larry Martin, John C. Morrissey, Joan Zamora Moulton, Nicerita Revelo, Sal Rosselli, Esta Soler, George Suncin, Rabbi Martin Weiner, David K. Yamakawa.

Excused: Thomas Ambrogi, Corrine Lee.

Staff

Present: Grant S. Mickins, Beatrice Cardenas-Duncan, Jack Casford, Linda Chin, Ed Ilumin, Richard Norton, Clemente Newball-Obregón, Mary Gin Starkweather, Chris VanStone .

Pledge of Allegiance

Minutes of February 28, 1985 approved.

COMMUNICATIONS

- From Roger Boas, Chief Administrative Officer, to Chairperson Brenda Wade, stating that he had referred her letter of January 30 concerning the HRC position on the surveillance of bathhouses, to the Mayor's Office. (The HRC adopted Resolution 2-85 on January 10, 1985, the Resolution Opposing Government Surveillance of Consensual Sexual Conduct in Bathhouses and Sex Establishments in San Francisco.)

- From John L. Taylor, Clerk of the Board of Supervisors, inquiring, at the initiative of Supervisors Nancy G. Walker and Willie B. Kennedy, what action have been taken to address and correct problems caused by MBE/WBE front organizations. (Note: the reference is to minority or women-owned businesses "fronting" for majority-owned contractors for affirmative action credit purposes.)

- From Jerry Jansen, a copy of a letter to the San Francisco Examiner Editorial Page, commenting on a column by Guy Wrights on February 17, 1985, headlined "Sexual Freedom?" and criticizing, among other AIDS issues, the HRC's January 10, 1985 Resolution opposing closing the bathhouses. Mr. Jansen opposed Mr. Wright's view, and supported the HRC's January 10, 1985 Resolution.

- From Mayor Dianne Feinstein, a letter to Chairperson Wade and members of the HRC, commenting on the January 10 1985 Resolution cited above, pointing out the "...inspection of the bathbouses and sex establishments results from a court order that must be enforced." And noting that more than $7 million in local funds have been appropriated for AIDS care, research, education, and prevention.

- From Mayor Feinstein, to Commissioners George Suncin and Joan Zamora Moulton, reiterating her reasons and her opposition to the proposal that there be established a Latino Committee as one of the HRC's Standing Committees. (Director Mickins recomended against this proposal formally at the HRC's January 24, 1985 meeting.)

- From Pat Cannon, Executive Director, Catholic Social Service, to Beatrice Cardenas-Duncan of the HRC staff, expressing appreciation for her support of the work of the Youth Shelter, and noting the HRC Resolution adopted Janaury 10, 1985, Resolution 1-85, Resolution Regarding the First Anniversary of the Catholic Social Services' Diamond Street Youth Shelter.

- From Pat Cannon also, formal appreciation to the HRC members and Director, of Catholic Social Service for the HRC Resolution cited above.

- From Director of Airports, a copy of his memorandum to the members of the Airports Commission regarding Concessions International, Inc. and a letter to Airport Commissioner Dr. Zuretti L. Goosby by Jessie Hill, Jr., Vice Chairman, Concessions International,Inc., on the subject of MBE/WBE participation in San Francisco International Airport retail concessions.

- From Harold Yee, President, Asian, Inc., thanking the Director for providing a set of the City departments' MBE/WBE Utilization Plans-FY 1984-85.

- To all members of the HRC, a staff Memorandum March 8, 1985 reminding them of the Statement of Economic Interests, and the filing due date of April 30. See under New Matters sections of these Minutes.

- From Supervisor Nancy G. Walker, to Director Mickins, a request for a copy of the statistics kept by the HRC on the number of women employed by City contract (sic) in non-traditional City jobs, and the number of women (including a breakdown showing women of color) who have applied for and been rejected when trying to secure employment in non-traditional employment.

- From Thomas E. Thompson, District Manager, Associated General Contractors of California, expressing regret the HRC staff could not attend the presentation of Clarence Pendelton (sic ; the spelling is Pendleton) , Chairman of the U.S. Civil Rights Commission, at the National AGC Convention in San Francisco March 1, 1985, and inviting the HRC, the Director and HRC staff to see a video tape copy of this presentation at a later showing.

(Note: The San Francisco Chronicle quoted Mr. Pendleton's March 1 presentation to the AGC Convention in part as assailing "federal minority employment quotas and affirmative action, which he called 'these God-awful special protections'", and as urging"... at least partial repeal of fair-hiring laws, including equal pay for women.")

- From John L. Taylor, Clerk of the Board, a copy of an Intra-Office Memorandum of March 11, 1985 to Each Department Head, inquiring, at the initiative of Supervisors Louise H. Renne and Nancy G. Walker, as to practices in hiring women in non-traditional jobs, (jobs in the past traditionally held by men). The Memorandum asked for a number of specific items: numbers of women in such jobs, departmental affirmative action goals, objectives, procedures, recruitment and retention plans, etc.

- From Mayor Feinstein, a March 12, 1985 Memorandum to All Department Heads, urging all departments to complete their United Way campaigns.

- From Erna Pahe, Community Advocate, Concerned American Indian Community of the Bay Area, a letter dated March 14, 1985, to Director Mickins commenting on the Director's March 5, 1985 letter to Chief of Police Cornelius Murphy. (The Director had written to clarify a sentence in an earlier letter by Ms. Pahe to Chief Murphy that was, according to Commissioner Lyon at the HRC's February 28 1985 regular meeting, "untrue".)

Ms. Pahe's March 14 letter assured him that her group "..understands" the scope of responsibility and jurisdiction of the HRC, and know clearly that the HRC does not have the capacity to investigate any of the issues..." She states that ..."we have had a very good working relationship with the HRC and its two sub-committees. They have worked efficiently and in earnest to mediate this touchy situation. I have nothing but praise for their efforts in these matters." She also attached a copy of her letter of March 12 to Commissioner Lyon, comenting in great detail on the chronology of events since the action December 8, 1984 by the

Lesbian/Gay Advisory Committee's Commissioner Rosselli, to ask that the Social Issues and Police Liaison Committee be included in a mediation hearing. Ms. Pahe in the March 12 letter also states that she understands that "...your abilities to negotiate a solution or to further investigate these issues are not within the purvue (sic) of this commission..."

- From Frank H. Mock, Construction Contractors, challenging the decision of the HRC to grant MBE status to Valentine Corporation.

- From Donald J. Birrer, Director of Public Works and Clean Water Program, a copy of his response to Mr. Mock, announcing his determination that his protest letter..."has no merit and award to Valentine Corporation will be recommended."

DIRECTOR'S REPORT

- MBE/WBE/LBE Ordinance Community Meetings.

A number of community meetings, workshops, and seminars regarding information about the new ordinance (Chapter 12D of the Administrative Code) are being held.

On March 13, the Black Chamber of Commerce sponsored a seminar; the Minority Contractors Association is sponsoring one March 14; and the Friends of the HRC is holding an "Information Forum for Business" on Monday, March 18, 1985, beginning at 8:30 AM, in the School District Board Room, 170 Fell Street, Room 30.

- HRC Budget.

The Mayor will meet on Thursday, April 11 at 11:30 AM with the Director, the Chairperson and Vice-Chairperson regarding the HRC budget request/allocation.

REPORT OF THE CHAIRPERSON

- HRC Priorities/Community Crisis Consultants.

Chairperson Wade asked each Commissionersto list the top three issues he/she feels should be concentrated on for the next calendar year by the HRC. She said this had been a concern of the Administrative Committee at its most recent meeting.

She also asked for Commissioner individually to submit the names of persons in their respective communities/constituencies who could make up a Crisis Committee of the HRC which could be brought into action when an issue needing mediation arises.

- HRC Awards of Merit.

The Chairperson again requested Commissionersto contribute their thoughts and suggestions about the establishment of an annual HRC Award of Merit to a San Francisco resident for contributions in the area of human rights. She had first suggested this award at the HRC February 28 Meeting.

STANDING COMMITTEES

ADMINISTRATIVE
Vice-Chairperson Esta Soler,Chairperson

- Committee Report on Pending Issues.

AT THIS POINT IN THE MEETING, THE TAPE RECORDER WAS ACCIDENTIALLY DISCONNECTED UNBEKNOWNST TO THE STAFF. THEREFORE, ANY QUOTATIONS CANNOT BE EXACT, BUT ONLY WHAT NOTE-TAKING AND MEMORY CAN SUPPLY. THE TAPE RECORDER RECORD DOES NOT RESUME UNTIL MR. MICKINS' PRESENTATION ON THE PROPOSED SELECTION PROCEDURE FOR HIRING COMMISSION HEARING OFFICERS.

Commissioner Soler said that the Committee was still considering a number of complex issues, and that there was no specific report to be made at this time.

SPECIAL ORDER

- Ad Hoc Committee on Selection: Recommended Membership for Community Advisory Committee on MBE/WBE/LBE Ordinance.

The Ad Hoc Committee on Selection consisted of Commissioner Soler as Chairperson, with Commissioners Joan Zamora Moulton and David Yamakawa.

This was the third time it had brought a recommended membership list, and Commissioner Soler announced that it had held a number of meetings with a variety of community groups, including the Coalition for Economic Equity (which spearheaded community activity leading to adoption of Chapter 12D). The Committee, she said, sought to nominate persons with particular expertise areas, including legal expertise, with experience, and with a strong commitment to the purpose of Chapter 12D.

The list of recommended members provided each Commissioner was of sixteen persons (7 Female, 9 Male). The ethnic breakdown: 5 Black; 3 Chinese; 1 Filipino; 4 Hispanic; 3 White.

Commissioner Revelo noted that she had submitted six Filipino nominationsand asked why only one was selected.Commissioner Soler said that the Committee had been insistent that there be Filipino representation, and acknowledged that there had been active discussion on all suggested names.

Commissioners Soler also said that the Coalition for Economic Equity presented a slate of suggested members, asking that there only be 11. But the Committee, she said, felt that there needed to be more than 11 in order to obtain a representative group. "We did the best we could", she commented.

Commissioner Morrissey asked whether the membership nominations were in line with the percentage proportions of the ethnic and male/female population of the City and Commissioner Soler said these factors were an integral part of the balanced selection.

Commissioner Lyon said she wished to note that there was a small representation of Lesbian/Gay community people on the recommended list vis a vis their proportion of the San Francisco population. To Commissioner Morrissey's comment that it is not his understanding that the MBE/WBE/LBE ordinance includes a preference for Lesbian/Gay businesses, she said that Lesbians and Gays are entrepreneurs in minority and women and locally-owned firms, and do wish participation.

- Commissioner Morrissey also suggested that the Community Advisory Committee adopt a rule that if any member misses two or three consecutive meetings that he/she would forfeit membership, this in order to assure continued interest and activity.

- Commissioner Moulton displayed a copy of a letter to her from Margaret Cruz of the Hispanic Chamber of Commerce suggesting four Hispanic communitynames for nomination for membership. From the audience, the following Coalition representatives spoke:

James D. Jefferson, of the Black Chamber of Commerce and the Coalition for Economic Equity, said the latter group feels that it is important now to"get on with the process" of implementation of Chapter 12D, although it had submitted a list of its own & had urged that the Committee membership be restricted to 11, originally, altered later to no more than 15.

Celso D. Ortiz, of Western Development and the Coalition for Economic Equity, said that the latter organization had been eager that the "best -suited" persons be selected. He thanked the HRC Ad Hoc Selection Committee for consideration of the Coalition nominations and said it urged there be no more delay in getting on with implementation. Mr. Ortiz said that the persons named in the Hispanic Chamber of Commerce letter to Commissioner Moulton "representated her," and that this could be a "divisive" factor.

- Commissioner Moulton asked that the Minutes note that the four nominees of the Hispanic Chamber of Commerce did not represent her, but, rather, a broad spectrum of the Hispanic community.

It was then

*****m/s/c that the HRC adopt the sixteen-member Community Advisory Committee on the MBE/WBE/LBE Ordinance as recommended. The vote was unanimous.

- It was announced that Commissioner Suncin will replace Commissioner Yamakawa (who will now Chair the Community Advisory Committee) on the Employment Committee.

- The next meeting of the Administrative Committee will be Tuesday, March 26, at 6 PM at the HRC office.

- Proposed Selection Procedure for Hiring Commission Hearing Officers-Director Mickins

A draft Selection Procedure was provided the HRC at its December 13, 1984 meeting. After discussion in detail, it was referred back to the Administrative Committee to establish qualification criteria.

Director Mickins noted that the selection is not limited to attorneys, though "sometimes the situation may call for attorneys and people with expertise in the field."

- Commissioner Moulton reiterated her concerns about attorneys being selected as Hearing Officers, suggesting that if legal counsel were needed, the HRC ask the Bar Association to name a pro bono representative. "I don't think we should concentrate on attorneys," she said.

The Proposed Selection Procedure has four main sections, covering advertising (.."legal publications and among appropriate community groups and professional organizations"); screening; a Hearing Officer pool (seven, selected by the Director and two Commissioners); and compensation (commensurate with rates paid by other City and County agencies.)

It was then

*****m/s/c that the HRC adopt the Selection Procedure for Hiring Commission Hearing Officers as proposed. The vote was unanimous.

Director Mickins said that there presently is no budget provision for the Hiring Officer compensation, but that budget amendments or supplementals would be requested in order to expedite pending hearings.

NEW MATTERS

- Budget Packets.

Commissioner Rosselli asked if HRC members could receive copies of the proposed HRC Budget for Fiscal 1985 before the March 26 Administrative Committee meeting.

- Statements of Economic Interest

Jack Casford reminded Commissioners that they are required to submit Statements of Economic Interest to the HRC Office by April 30, and that copies of Form 730 and a Manual explaining houw to complete it were sent to each Commissioner March 7.

- Mayor's Office Representation.

The Director asked that the HRC acknowledge the regular attendance of Ms. Margaret Kisluik, the Mayor's Office representative, at the two prior regular HRC meetings. On this date, however, she was represented by Ms. Anita Sanchez.

CALENDAR MATTERS

Administrative	Tuesday March 26, 1985 6 PM,HRC Office.
Employment	Thursday, April 4, 1985 9:30 AM 1850 Mission Street
Lesbian/Gay Advisory Committee	Tuesday, March 19, 1985 5:30 PM-7:30 PM State Building, Room 1200 350 McAllister Street
Housing and Urban Development	To be announced.
Social Issues and Police Liaison	Wednesday, Maech 20, 1985 3 PM HRC Office, 1095 Market Street, Room 509
Youth and Education	Thursday, March 21, 1985 3:45 PM State Building , 350 McAllister

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp
3/18/85

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HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, March 28, 1985

NEXT MEETING

DATE: Thursday, April 11, 1985
TIME: 10:15 AM
PLACE: Third Floor, Commission Room
Main Library, Civic Center

NOTE

See under calendar Matters Section of these Minutes the schedules of the HRC's regular Standing Committee Meetings.

DOCUMENTS DEPT.
APR 9 1985
SAN FRANCISCO
PUBLIC LIBRARY

ROLL CALL

COMMISSIONERS

Present: Brenda Wade (presiding), Thomas Ambrogi, Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, John C. Morrissey, Joan Zamora Moulton, Nicerita Revelo, Sal Rosselli, Esta Soler, George Suncin, Rabbi Martin S. Weiner.

Excused: David K. Yamakawa Jr.

Staff:

Present: Grant S. Mickins, Frank Anderson, Bettye Currell, Linda Chin, Bea Cardenas-Duncan, Bayard Fong, Zula Jones, Richard Morton, Clemente Newball-Obregon, Gail Roberts, Mary Gin Starkweather, Jackie Winnow.

Guests: Mr. Melvin Foote, Africare, Ms. Janice Kramer.

Pledge of Allegiance

Minutes-Commissioner Moulton requested a clarification on Page 4, last paragraph of a statement made by Mr. Celso Ortiz. She said the last sentence should read in part "... Mr. Ortiz stated that Commissioner Moulton had been divisive..." The remainder of the Minutes was approved as written.

COMMUNICATIONS

- From Jeremy Landau, Coordinator, Pacific Center AIDS Project to Commissioner Phyllis Lyon, responding to her letter to Dr. Robert Bolan. Mr. Landau says that a Spanish language brochure on AIDS will be available by late March, 1985 and describes the AIDS services offered at the Center.

- From Frank H. Mock, to Chairperson Wade requesting designation as an LBE and challenging the Commission's certification of Valentine Corporation as an MBE.

- From Mayor Dianne Feinstein, a letter to David J. Morales, National Hispanic Association of Construction Enterprises, informing him that Director Mickins will be sending him information regarding City's MBE/WBE programs.

- From Ijaree Westbrook, Chairman of the Board of Directors of the Bay Area Minority Business Consortium, a letter to Director Mickins thanking him for agreeing to be the guest speaker at the March 28, 1985 meeting of the Consortium.

- From Sylvestor Flowers, Program Director Ramsell Corp. and Associates (a small MBE) a letter to Director Mickins complimenting the HRC for its work on behalf of MBE/WBEs. He enclosed a letter informing Community Mental Health Services, (CMHS) that Ramsell is terminating its contract as of April 25, 1985 due to financial constraints.

- From Robert Switzer, Executive Director of Mission Economic Development Association (MEDA), a letter acknowledging receipt of the City's MBE/WBE policies.

- From W.F.O'Keefe, Sr. to Director Mickins a letter requesting action regarding the MBE/WBE/LBE status of a company named the Minority Construction Corp.

- From Betty Berry, Executive Director of Minority Contractors Association of Northern California, a letter to Director Mickins thanking him for being the special guest speaker at their Open House.

DIRECTOR'S REPORT

- Director Mickins announced that Jack Casford had suffered a heart attack and would be away for six weeks. Commissioner Moulton had purchased a card which was signed by the Commissicners and the Commissioners expressed their desire to have flowers sent to Mr. Casford from them.

- Director Mickins said that the Commission continues to promote and publicize information about the MBE/WBE programs of the Commission. The Friends of the HRC sponsored a very successful Forum on Chapter 12D and the Director is scheduled to appear on several radio talk shows.

Report of the Chairperson

Chairperson Wade introduced Mr. Melvin Foote, a representative of Africare, an organization of American Blacks dedicated to alleviating the drought and famine conditions in Africa.

Mr. Foote presented a slide show describing the conditions in the Camps in Ethiopia. He also distributed brochures and their 1983 Annual Report. He emphasized that people must be informed that the money sent to help the refugees is not being diverted or wasted.

It was ***m/s/c that a resolution be written declaring that the Human Rights Commission is fully in support of Africare and its programs.

- Commissioner Wade presented the criteria for the HRC Annual Award of Merit. The award is to be given to a business person who is actively furthering Human Rights in his/her community. Commissioner Rosselli requested that an additional award be given to a labor representative. It was ***m/s/c that Commissioner Rosselli's suggestion be adopted and two separate awards be given.

STANDING COMMITTEES

Administrative
Vice-Chairperson Esta Soler, Chairperson

- The items dealing with the Amendment to Rules and Regulations of the MBE/WBE Criteria for using a residency as an office qualifying for Local Preference and the Proposed Dispute Resolution Guidelines were postponed.

- HRC Intergroup Clearinghouse Relationship.

The Commission was provided with a Statement in Support of the Continuing Relationship between the HRC and the Intergroup Clearinghouse. Commissioner Soler and Director Mickins said that Rita Semel and Dr. Zuretti Goosby of the IC Board appeared before the Administrative Committee in order to reaffirm their need for HRC support in order to keep the IC viable.

The Commissioners expressed a desire to have the IC submit a quarterly report to the HRC to keep the Commission apprised of its activities.

It was

*****m/s/c that the support Statement be adopted and the relationship of the HRC and the IC be reaffirmed.

After the above motion, there was further discussion about:

1. The IC Budget which will be $30,000 for Fiscal Year 85-86.

2. The Personnel issue of the IC has been resolved separately.

3. Commissioner Moulton felt that the IC should work in tandem with the Social Issues/Police Liaison Committee in order to avoid duplication.

It was

******m/s/c that the IC should submit quarterly reports to the Commission and Director Mickins added that the IC should work in close coordination with HRC.

- HRC MBE/WBE Plan for Fiscal Year 84-85

The plan prepared by Gail Roberts, was submitted to the Commission and included set-asides, percentages for minority groups and women, Rationale, Outreach or Action Plan, and targets.

Ms. Roberts discussed some aspects of the report including the court reporter contract and the 42% set-aside.

- HRC Budget 1985-86

The Commission was provided with a 7 page memo detailing Budget Issues for 1985-86. The issues are funding for: 1. MBE/WBE/LBE Ordinance 2. Administration 3. Monitoring of contracts awarded by City Departments 4. Monitoring of Discrimination complaints 5. Lesbian/Gay Liaison.

In answer to questions posed by the Commissioners, Director Mickins explained that:

1. There was great need for a Deputy Director position because of increased responsibilities presently handled by the Director. This would be a civil service position which is as yet unclassified. It would be comparable to a position already existing at the Commission on Aging.

A commissioner questioned thecurrent HRC activity in Housing discrimination audits. Director Mickins replied that the Housing complaints are partly investigated by checkers from Operational Sentinel. The Housing component of the HRC relies on complaints coming in rather than doing an active audit. The last audit was done by Staff in 1982.

3. The money set aside for attorney's fees is paid to the City Attorney's Office for HRC's use of their staff.

It was

******m/s/c to adopt the Budget Plan.

- Commissioner Wade presented the idea of a Crisis Committee to be comprised of only consultants who would be called to mediate a crisis situation presented to the Commission. In answer to Commissioner Moulton's concern that it may conflicat with the Social Issues/Police Liaison Committee, Commissioner Wade assured her that this would not be a Standing Committee and would only be consulted in extraordinary circumstance.

- A memo containing suggested Recommendations to address Lesbian/Women Health concerns was presented to the Commission for its information.

- A draft letter to Chockie Cottier and Erna Pahe was presented to the Commission for approval explaining the review of the Administrative Committee and ending HRC's involvement in the Gay American Indian/GAI-American Indian Center issue.

LESBIAN/GAY ADVISORY COMMITTEE
Commissioners Phyllis Lyon/Sal Rosselli, Co-Chairs

Committee Report-Sal Rosselli.

Commissioner Rosselli reported that:

1. Meetings were going to be held with Lesbian Bar owners to discuss discrimination in hiring.

2. L/GAC has been meeting with the San Francisco AIDS Foundation regarding the need for AIDS literature in Spanish.

3. A breakdown of employers in Lesbian/Gay Social Service agencies will be undertaken to determine the number of people of color and women employed.

4. The recommendations from the Lesbian/Women's health panel presentation will be disseminated to appropriate representatives.

5. During Lesbian/Gay Pride week, a reception will be held honoring Roberta Achtenberg (editor) and Bay Area contributing writers to the recently published complete treatise, Sexual Orientation and the Law .

*****m/s/c for HRC to be an official endorser of the reception.

6. A copy of a letter from Ms. Chockie Cottier, Chief Executive Officer of CAID-AIC, to the community-at-large was presented to the Commission. The letter was attached to the Title IV Newsletter and contains inaccurate statements about actions taken by the HRC.

*****m/s/c to send a letter to be attached to the next Title IV newsletter clarifying the inaccuracies concerning HRC.

YOUTH AND EDUCATION COMMITTEE
Commissioners Nicerita Revelo and Rabbi Martin S. Weiner Co-Chairs.

Committee Report.

Bea Cardenas-Duncan presented the Latchkey Press Conference Statement and a copy of the Bill, SB 303 to the Commission. The Latchkey Bill was passed by the legislature and vetoed by Governor Deukmejian last year.

The Latchkey Bill, SB 303, addresses the problem of children alone after school because of working parents, through utilizing spaces available in the public school system. Ms. Duncan asked the Commissioners to review the legislation and said it would be calendared at the next HRC meeting for support. Commissioner Wade urged the commissioners to write letters and call their state representative to express support of the bill. Commissioner Morrissey expressed his desire to have a representative of the opposition appear at the next meeting so the Commission could get opinions from both sides.

- Report on the Friends of the Human Rights Commission Information Business Forum.

Ms. Duncan reported that the forum had been a great success with over 255 persons attending. The cost was 1,755.79. Various ethnic newspapers and radio and T.V. stations have been doing follow-up reports and interviews. Director Hickins was scheduled to be taped on KABL after the Commission Meeting. Associated General Contractors was invited to the taping but declined.

The Friends of the HRC is planning a small fundraiser in June, to replenish the kitty, with the main Awards Dinner to be held in the fall. The fundraising goal is $15,000.

NEW MATTERS

- Commissioners Lyon informed the Commission that there are currently six bills in the California legislature which deal with censorship and are a danger to free speach. She has copies of the bills for anyone who would like them.

CALENDAR MATTERS

Administrative	Tuesday, April 16, 1985 8:00 AM, HRC Office 1095 Market Street, Room 509
Community Advisory	Thursday, April 11, 1985 3:30 PM Lurie Room, Public Library
Employment	Thursday, April 4, 1985 9:30 AM 1850 Mission Street
Lesbian/Gay Advisory Comittee	Thursday, April 16, 1985 5:30 PM-7:30 PM, 350 McAllister Street Room 1200, State Building
Housing and Urban Development	To be announced.
Social Issues and Police Liaison	April 15, 1985 HRC Office, Room 509 1095 Market Street 3:30 PM
Youth and Education	State Building 350 McAllister Street Room 2217 3:45 P.M

Remarks from the Audience

- Janice Kramer, the Kosmick Lady, spoke briefly to the Commission offering her service free to anyone who wishes to follow her life philosophy.

Adjournment

Reppectively submitted,

Grant S. Mickins
via Mary Gin Starkweather

GSM:MGS help

4/5/85

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION TO SUPPORT AFRICARE PROGRAMS

WHEREAS, Africare is a private , non-profit organization working to improve the quality of life in rural Africa, and

WHEREAS, Africare's programs include water resources development, food production, health services delivery and refugee assistance, and

WHEREAS, Africare is an organization comprised of and supported mainly by Black Americans aiding Black Africans in a time of severe drought and warfare,

THEREFORE, BE IT RESOLVED, that the San Francisco Human Rights Commission extend its full support and commendation to the Africare programs in their work to alleviate the suffering of the African people.

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HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday April 11, 1985

NEXT MEETING
DATE: Thursday, April 25, 1985
TIME: 10:15 AM
PLACE: Third Floor, Commission Room
Main Library, Civic Center

NOTE
See under Calendar Matters Section of these Minutes the schedules of the regular HRC's Standing Committee Meetings.

Roll Call

Commissioners

Present: Brenda Wade (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, Larry Martin, Joan Zamora Moulton, Nicerita Revelo, Sal Rosselli, Esta Soler, Rabbi Martin Weiner, David K. Yamakawa Jr.

Excused: Thomas Ambrogi, George Suncin, Corrine Lee, John Morrissey.

Staff: Grant S. Mickins, Frank Anderson, Bettye Burrell, Linda Chin, Bea Cardenas-Duncan, Donald Hesse, Zula Jones, Stanley Lim, Richard Norton, Clemente Obregon, Gail Roberts, Mary Gin Starkweather, Essie Thomas, Pansy Ponzio Waller, Jackie Winnow.

Guests: Frank Mock, Geraldine Johnson, Blanche Bibb, Local 250

Pledge of Allegiance

Minutes - Commissioner Rosselli requested his suggestion that the Commissioners be given a day-long workshop on budget matters and other matters of interest be added under New Matters.

It was **** /s/c that the Minutes be approved as amended.

COMMUNICATIONS

- From Mayor Feinstein, a memo to all Department Heads requesting submission of nominations for the Public Technology Awards.

- From Rita Semel, Chair of the Intergroup Clearinghouse, a letter to Grant Mickins thanking the Administrative Committee for the opportunity to meet on March 28, 1985.

- From Mimi Winston and Tom Winston of KABL, a letter to Grant Mickins thanking him for being a guest on KABL "Speaking Freely" program.

- From Tonia Chao, of Asian Inc., a letter to Julie Yim, Contract Compliance Officer regarding Asian Inc.'s concerns about MBE/WBE participation in new concessions at the Airport.

- From Suzanne E. Khoury, S.F. Chamber of Commerce, a letter to Beatrice Duncan thanking her for the successful organization of the MBE/WBE Forum.

- From Philip S. Day, Jr., Director, S.F. Office of Emergency Services, a memo to all Department Heads regarding the San Francisco Annual Earthquake Exercise April 16-18, 1985.

- From Mayor Feinstein a letter to John L. Taylor, Clerk of the Board clarifying the City's outreach efforts in order to ensure full implementation of Chapter 12D.

- From Rita Sears, Public Relations, City College of San Francisco, a letter to Beatrice Duncan thanking her for making the arrangements for the presentations at the S.F. Youth Guidance Center.

Director's Report

Director Mickins announced that the Budget meeting with the Mayor had been held with Commissioners Wade, and Soler, the Commission on the Status of Women Co-Chairs, Ms. Jacquie Hale and himself in attendance.

The major items of discussion were as follows:

1. Step increases for staff because it is expected that all staff will be permanent by July 1, 1985.

2. In the Mediation and Resolution Office, $32,000 was requested for a Hearing Officer as a Consultant position to hear at least 10 cases and $9,000 was requested for a court reporter. Commissioner Weiner expressed his delight at the prospect of having a Hearing Officer, which would take a great burden away from the Commissioners.

3. A request was made for $66,000 to monitor the Mayor's Office of Housing and Economic Development (MOHED) contracts. The Mayor's staff recommended $44,593. This is a high priority item.

4. A request for an Affirmative Action Officer position to reduce the MBE/WBE Certification backlog was denied. A $53,000 request for computerizing the City Contract Awards is under consideration.

5. Partly because of the AIDS crises, the complaint caseload of the Lesbian/Gay Unit has increased dramatically. A request for an upgrade for the Lead position in the Unit was met favorably. A request for a Citizen's Complaint Officer position is under consideration.

6. Under review is a request made for an Administrative Deputy position to assist the Director in writing Director's findings and management.

7. A request for $30,000 to fund the Intergroup Clearinghouse was reduced to $15,000 on the recommendation of the Mayor's staff.

Director Mickins stated that the Mayor stated that she must make significant cuts in the budget this year.

The Mayor indicated a strong interest in the Commission on the Status of Women program to reduce domestic violence.

REPORT OF THE CHAIR

Commissioner Wade stated that the Mayor had acknowledged the excellent work of the Director and HRC staff and wrote a paragraph in her Budget Report praising the HRC's work.

ADMINISTRATIVE COMMITTEE

The proposed amendment to Rules and Regulations pertinent to the use of a residence as an office is not yet out of committee. The memo presented to the Commissioners represents the work of the Committee thus far. Comments are to be submitted to Commissioner Soler by April 16, 1985.

Mr. Frank H. Mock, of Frank H. Mock Construction Contractors voiced his disagreement with Staff's decision that he was not an LBE because his office is in his residence.

Commissioner Soler and Director Mickins agreed to meet with Mr. Mock before the April 16, 1985 Committee meeting.

SOCIAL ISSUES AND POLICE LIAISON

The Director reported that this item regarding the condemnation of apartheid has not officially come through the SI/PL Committee. But was calendared to accomodate several community and union representatives who requested to appear before the HRC.

Ms. Blanche Bibb of Local 250 and Ms. Geraldine Johnson made presentations regarding the apartheid situation in South Africa and U.S. Corporate investments.

Ms. Bibb spoke about Local 250's vote in 1980 in favor of devestiture of funds from corporations who have South African interests. In 1984, San Francisco voters passed Proposition J. requiring the Retirement Board to remove all investments from corporations involved in South Africa. She stated the Retirement Board has not yet taken action.

Ms. Geraldine Johnson distributed an example of the type of Pass Book required by law to be carried by all Black South Africans wherever they go, even from town to town.

Ms. Johnson made the following requests of the Commission:

1. Send a letter or resolution to Mayor Feinstein asking her to urge the Retirement Board to implement Proposition J.

2. Send a letter to the Board of Supervisors commending them on their resolutions supporting the implementation of Proposition J, and supporting the devestment of Public Funds from firms doing business with South Africa.

3. Send a letter commending the Port Commission for their recent support of the refusal to unload ships with South African cargo.

4. Send a letter condemning and deploring the Retirement Board for their refusal to implementProposition J. City employees should not benefit from having their money invested in South Africa.

A Commissioner Rosselli suggested that a press release be issued regarding the action taken on the above four items. Commissioner Soler also recommended that a representative appear before the Retirement Board with the HRC's recommendations.

It was

*****m/s/c that the four letters be written and the Commissioners' suggestions be adopted.

Commissioner Moulton spoke about a news item sha had seen on Cablevision News Network. The announcer asked "Why is the U.S. so concerned about the Blacks and Coloreds in South Africa when we cannot keep our own house clean regarding the treatment of the Indians and their "bastards!" SHe has wirtten to CNN to ask for the news copy.

Ms. Johnson noted that the Retirement Board had the following make-up: 3 members are Mayoral appointees, 1 member is the President of the Board of Supervisors and 3 members are elected. There is 1 woman member and no minorities.

It was

*****m/s/c that a letter be written to the Mayor urging her to take action to remedy the situation.

Commissioner Moulton asked why the item was not referred back to the Social Issues/Police Liaison Committee as recommended by Commissioner Wade.

Commissioner Rosselli stated that he felt the Commission already had sufficient information to take action at this meeting.

Youth and Education
Co-Chairpersons, Commissioners Nicerita
Revelo and Rabbi Martin S. Weiner

Ms. Bea Duncan appeared before the Commission urging them to endorse S.B. 303, Senator Roberti's Latchkey Legislation. The Board of Supervisors had unanimously endorsed the Bill, with 9 ayes and 2 absences. It was ***m/s/c that the HRC endorse the Bill and write letters of support to appropriate Committees.

MBE/WBE Advisory Committee Chairperson,
David K. Yamakawa, Chairperson
The first meeting of the Committee is scheduled for:

Date: Thursday, April 11, 1985
Time: 3:30 p.m.
Place: Lurie Room
Public Library, Civic Center

New Matters

- The Lesbian/Gay Advisory Committee is working on a Lesbian/Gay Employment Rights Conference to be held June 15, 1985. It was ***m/s/c that the HRC endorse the Conference.
- Chairperson Wade announced that she had been informed that the Security Guard of Library sent a note announcing that there is to be No Smoking inside the Library at any time.
- Jack Casford is out of the hospital and recuperating at friend's house in Woodside, California.

Calendar Matters

ADMINISTRATIVE	Tuesday, April 16, 1986 8:00 A.M., HRC Offices 1095 Market Street, Room 509
Community Advisory	Thursday, May 16, 1985 Time and Place - to be announced
Employment	Thursday, May 2, 1985 9:30 A.M. 1850 Mission Street
Lesbian/Gay Advisory Committee	Tuesday, April 16, 1985 5:30-7:30 p.m. State Bldg., Room 1200 350 McAllister Street
Housing and Urban Development	To be announced
Social Issues and Police Liaison	Monday, April 15, 1985 HRC Office, Room 509 1095 Market Street 3:30 p.m.
Youth and Education	Thursday, April 18, 1985 3:45 p.m. State Bldg., Room 2202 350 McAllister

There were no Remarks from the Audience .

Adjournment.

Respectfully submitted,

Grant S. Mickins
via Mary Gin Starkweather

GSM:MGS:bclp:ltn

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4/25/85

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, April 25, 1985
Main Library, Civic Center

NEXT MEETING

DATE: May 9, 1985
TIME: 10:15 AM
PLACE: Third Floor, Commission Room
Main Library, Civic Center

NOTE

See under Calendar Matters Section of these Minutes the schedules of the regular HRC's Standing Committee Meetings.

ROLL CALL

Commissioners:

Present:	Brenda Wade (presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, John Morrissey, Nicerita Revelo, Esta Soler, George Suncin, David K. Yamakawa Jr.
Excused:	Joan Zamora Moulton, Sal Rosselli, Rabbi Martin S. Weiner
Staff	Grant S. Mickins, Frank Anderson, Bettye Burrell, Bea Cardenas-Duncan, Larry Cruz, Eileen Gillis, Ed Hunnin, Zula Jones, Richard Norton, Clemente Obregon, Gail Roberts, David Treanor, Pansy Ponzio Waller, Jackie Winnow.
Guests:	Margaret Kisluik, Mayor's Office, Linda Ward, Norman Nickins, Tom Rinaldo.

Pledge of Allegiance

Minutes of April 11, 1985, approved with two corrections:

1. On Page 2 under Director's Report, Commissioner Phyllis Lyon noted regarding the Mayor's Budget Session that her name had been left out. She requested that it be noted that she was present.

2. Commissioner Wade noted that on the previous minutes of the March 28, 1985, meeting that on Page 2 under Report of the Chairperson that the Minutes incorrectly reflected that the awards of merit for the HRC Annual Award of Merit were to be given in the area of business and labor only. It should have read that three awards were to be given--Business, Public Service and Arts and Entertainment and that Labor was added also.

The Minutes were then approved as amended.

COMMUNICATIONS

- From David E. Halvorsen, Editor of the San Francisco Examiner, a letter to Commissioner Lyon regarding a response in Guy Wright's column.

- From Supervisor Quentin Kopp, a letter to Commissioners inquiring about information concerning discriminatory acts committed against citizens of Arab heritage.

- From Roger Boas, Chief Administrative Officer, a letter to Grant Mickins regarding implementation of Minority/Women/ Local Business Enterprise Ordinance.

- From Chief Emmet D. Condon, San Francisco Fire Department, a memo to all City Department Heads regarding new laws regulating hazardous materials.

- From Anni Chung, Executive Director of Self-Help for the Elderly, a letter to Commissioners requesting support for the Pineview/Georo-1055 Stockton Street Project Development, housing for the elderly.

- From Commissioner Thomas Ambrogi, a copy of a letter sent to Mayor Dianne Feinstein, tendering his resignation from the Commission.

- From Robert B. Selby, Fuel Sales Manager from Malaco International Inc., a letter to Grant Mickins expressing praise for the fine work that staff person Linell Harden is doing at the Purchaser's Office.

- From Diane C. Yu, Chairperson, Legislature Subcommittee of the Attorney General's Commission on Racial, Ethnic, Religious, and Minority Violence, a letter and questionnaire to Grant Mickins regarding hearing scheduled in Los Angeles on Thursday, May 23, 1985.

- From R.D. Bradley, member, Board of Directors, San Francisco Chamber of Commerce, a letter to Grant Mickins thanking him for attending the Chambers business seminar regarding procurement opportunities in San Francisco.

- From Albert Cheng, Coordinator, Personnel Services Division, San Francisco Unified School District, a letter to Grant Mickins regarding paraprofessionals at Edison Children's Center.

- From The George R. Moscone Tribute Committee, a letter to Friends of George Moscone, announcing Tribute Dinner to be held Saturday, June 15, 1985 at the Hyatt Regency, Embarcardero Center.

- From Granville DeMerritt, General Manager, San Francisco City and County Employees Retirement System, a letter and Resolution to Grant Mickins regarding the South Africa investment issue.

- From John L. Taylor, Clerk of the Board of Supervisors, a memo to Selected Officials regarding filing of Economic Interest Statement.

- From Jack Casford, Human Rights Commission Staff person, a letter to Commissioners, expressing gratitude for the get well messages which he received.

DIRECTOR'S REPORT

Director Mickins announced that the Ordinance with proposed amendments extending the scope of the MBE/WBE/LBE legislation to nonprofit and charitable organizations was before the Human Services Committee of the Board of Supervisors. He reported, however that the item had been continued to be scheduled the following month. Since the Commission has not taken a position on this issue, he, therefore, recommended that it might be appropriate to refer this matter to the Administrative Committee for further review and collection of data before the next scheduled meeting of the Human Services Committee.

In order to avoid penalties which may be imposed by the Fair Political Practices Commission, the Director reminded the Commissioners that as required by State Law, they need to file their Economic Interest Statement Form 730 by April 30, 1985.

A letter from Granville DeMerritt, General Manager of the San Francisco City and County Employee's Retirement System was read in full by the Director. In the letter Mr. DeMerritt expains that the Retirement Board has implemented Proposition J and that on March 12, 1985, the Retirement Board adopted a resolution based on the Sullivan Principles, which provided that they would only invest in companies who required that there be no discrimination in the work sites. Furthermore, in the letter, Mr. DeMerritt states that the South Africa investment issues is scheduled again for hearing at the Retirement Board meeting on Tuesday, April 30, 1985, where a new resolution, if adopted, will call for complete divestiture of securities of companies doing business in South Africa.

Director Mickins read in full Commissioner Thomas Ambrogi's letter of resignation.

Director Mickins concluded his report by reading a letter of gratitude for thank you notes, from Mr. Jack Casford, HRC staff member who has been ill.

SPECIAL ORDER

- MBE/WBE Contracting: 1st Six Months Fiscal Year 84-85 Performance Gail Roberts

Director Mickins reported that much of the development and implementation process of the MBE/WBE/LBE ordinance was largely due to the diligent efforts of Ms. Gail Roberts, who has gathered and analyzed the MBO reports from the various departments, which were received for the first two quarters of Fiscal Year 84-85. He explained that the information being presented by Ms. Roberts was based on information which had been provided to Mayor Dianne Feinstein on April 18, 1985.

Ms. Roberts reported, that while 16 of the 52 entities which submit MBO reports to the Office of the Mayor have not as yet submitted their data that which has been reporrted is a source of real satisfaction and the City and County can take justifiable pride in this preliminary data. Among the departments for which data was not reported are Purchasing and Department of Public Health. She reported that the contracting dollars and percentages for the first two quarters were as follows:

	1st Qtr. FY 84-85		2nd Qtr. FY 84-85	
	Contracting Dollars	Percentage of Contracting Dollars	Contracting dollars	Percentage of Contracting Dollars
Total	$19,159,699.19	-	$22,905,459.00	-
MBEs	1,859,719.95	9.71	4,780,284.95	20.87
WBEs	700,439.80	3.65	1,251,729.80	5.46

Ms. Roberts brought attention to the overall substantial increase from the first to the second quarter, Of special note is the Department of Public Works which awarded $2,353,838 or 22.5% to MBEs and$761,598 or 7.28% to WBEs.

Discussion pertaining to Ms. Roberts' report focused on what type of followup activities were planned regarding some department's failure to provide data, on responses claiming limited contracting opportunities due to the nonprofit status of ther contractors, methods for verifying the data submitted, and on how summary of the data would be desseminated.

LESBIAN/GAY ADVISORY COMMITTEE
Commissioners Phyllis Lyon and Sal Rosselli
Co-Chairs

Commissioner Lyon reported that the COmmittee had two items: 1) Request approval of various actions opposing military use of HTLV-111 testing results and 2) Request approval of Resolution Concerning Educational Programs for AIDS At Risk Ethnic Minority Communities.

The second item was addressed first. Commissioner Lyon introduced Norman Nickins (L/GAC member, AIDS activist, and Assocaite Dean of New College School of Law) who addressed the Commission, speaking on the importance of developing educational programs designed to reach at risk ethnic minority communities in San Francsico. He urged the Commission to support the resolution and to express its concern to the Health Commission over the failure of the AIDS Foundation, a City contract agency, to increase their outreach efforts to Third World communities in San Francisco and to call upon the Health Commission to see that educational programs designed to reach at risk ethnic minority communities are developed.

The resolution was amended by Commissioners Lyon Soler and to urge the San Francisco AIDS Foundation to develop an effective Affirmative Action program.

It was

******m/s/c for adoption unanimously (Resolution attached)

Commissioner Lyon then requested that the Human Rights Commission express its opposition to a recent Defense Department's decision requiring that all blood banks (military and civilian) that collect blood on military bases (Irwin Memorial Blood Bank receives 25% of its blood supply in this way) report to the Military the names of all personnel who test HTLV-111 positive. The HTLV-111 test was developed to test for the antibody to the AIDS virus to be used by blood banks for screening purposes. Since the Blook Bank will be doing this anyway, the Military's decision is in direct violation to the intent of the test.

Because the test results could be used to discriminate against people who test positive, strict confidentiality legislation was passed in California as well as in some other states(The Military has open discrimination policies regarding Lesbians, and Gay men and could use the test results toward that end.)

It was

******m/s/c that the following letters be sent. It was unanimous.

1). to the Department of Defense urging to change its policy regarding HTLV-111 test results.

2). to Senator Cranston and Wilson and Congress women Boxer and Burton requesting that they do everything in their power to change the Defense Department's ruling.

3) To Mayor Feinstein to do everything in her power to persuade the Military to change its policy.

4) to Irwin Memorial Blood Bank in support of their desision not to follow the Defense Department's Order.

ADMINISTRATIVE REPORT
Vice-Chairperson Soler

Commissioner Soler reported that the Committee had one item The Proposed Amendment to the Rules nad Regulations pertinent to the use of a a residence as an office. Commissioner Soler referred to Ms. Gail Roberts to present report. Ms. Roberts reported that the Committee had amended the Rules and Regulations to make the local definition more specific and that the proposed amendment had been adopted at its April 16th meeting. She reported the the Administrative Committee was requesting adoption of the proposed amendment.

It was

******m/s/c that the proposed amendment to the Rules and Regulations pertinent to the use of a residence as an office be adopted.

YOUTH AND EDUCATION COMMITTEE
Commissioners Nicerita Revelo and Rabbi Martin S. Weiner

Commissioner Revelo called on Ms. Bea Cardenas-Duncan to present report from the Youth and Education Committee. Ms. Duncan reported that at the last Committee meeting, Assemblyman Art Agnos' legislation AB 1596 (homeless youth bill) had been addressed. Ms. Duncan urged support of the legislation.

Ms. Duncan introduced Mr. Tom Rinaldo, who proceeded to provide the Commission with background information on AB 1596. He explained how the homeless youth problem encompasses all socio-economic backgrounds and that it is a State issue affecting thousands of youths. He urged support of AB 1596.

It was

*******m/s/c that the Commission endorse the Bill.

Commissioner Morrissey raised the questin of a former Memorandum discussion regarding policy on endorsing State legislation or Resolutions which ensued and was clarified by Director Mickins and Ms. Margaret Kisluick, who is Mayor Feinstein's Program Manager and Liaison to the Commission. Director Mickins explained that about three years ago, the Commission received a memorandum from Mayor Feinstein explaining the policy on endorsement. Ms. Kisluick, further clarified the endorsing policy by commenting that the procedure is to refer legislation/resolutions to the State Legislation Committee with a copy to Ed Gerber, who is the Lobbyist in Sacramento acting on behalf of the City and County of San Francisco.

MBE/WBE ADVISORY COMMITTEE
Commissioner David K. Yamakawa Jr., Chair

Commissioner Yamakawa reported that the Committee's first meeting was held on April 11, 1985. The purpose of the meeting was to familarize members with the purpose and objectives of the committee; explain rules and procedures; establish goals and priorities; and discuss individual concerns of members. Commissioner Yamakawa also reported that a potential conflict of interest issue regarding Committee Advisory members had been raised. The City Attorney was investigating the matter further to determine, if in fact, members on the Committee who contract with the City would have a conflict of interest.

Commissioner Yamakawa concluded his report by adding that the Committee members had been presented with an overview on the MBE/WBE legislation by Director Grant Mickins and Mr. Bert Campbell, Director of the Minority and Women Business Development Unit within the Purchaser's Office.

Chairperson Wade referred Supervisor Kopp's letter regarding discriminatory acts committed against Arab citizens to the Social Issues Committee.

CALENDAR MATTERS

ADMINISTRATIVE	Tuesday, May 21, 1985 8:00 AM, HRC Office 1095 Market Street, Room 509
COMMUNITY ADVISORY	To be announced
EMPLOYMENT	Thursday June 6, 1985 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY COMMITTEE	Tuesday, May 21, 1985 5:30-7:30 PM State Building, Room 1200 350 McAllister Street
HOUSING AND URBAN DEVELOPMENT	To be announced

SOCIAL ISSUES/ POLICE LIAISON	Monday May 20, 1985 HRC Office, Room 509 1095 Market Street, Room 3:30 PM
YOUTH AND EDUCATION	Thursday, May 16, 1985 3:45 PM State Building, Room 2202 350 McAllister Street

There were no Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Pansy Ponzio Waller

GSM:PPW:bclp

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION CONCERNING EDUCATION PROGRAMS FOR AIDS AT RISK ETHNIC MINORITY COMMUNITIES

WHEREAS, the Acquired Immune Deficiency Syndrome (AIDS) crisis in the City and County of San Francisco continues to grow, there are currently more than 900 diagnosed cases of AIDS in San Francisco, and the number is increasing daily, and

WHEREAS, the AIDS crisis affects all communities in San Francisco, including ethnic minority communities, and

WHEREAS, education and information is the best defense against AIDS, all communities in San Francisco should be addressed in an educational program designed to reach individuals who may be at risk of contracting AIDS, and

WHEREAS, AIDS has caused great emotional stress among affected communities, and has served to heighten fears and prejudices in some members of the general community, and

WHEREAS, the San Francisco AIDS Foundation is a contract agency of the San Francisco Department of Public Health, and is the agency primarily responsible for the provision of AIDS information, education and referral services, and

WHEREAS, over the course of the last two years, members of L/GAC have engaged in a repeated series of meetings with representatives of the Foundation to discuss the provision of AIDS information and educational services to at risk ethnic minority communities in San Francisco, and

SOCIAL ISSUES/ POLICE LIAISON	Monday May 20, 1985 HRC OFfice, Room 509 1095 Market Street, Room 3:30 PM

WHEREAS, despite almost two years of meetings with the Foundation, the Foundation has yet to come forth with an educational program designed to reach at risk ethnic minority communities,

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission express its concern to the Health Commission over the failure of the AIDS Foundation, a city contract agency, to develop education programs designed to reach at risk ethnic minority communities in San Francisco;

AND BE IT FURTHER RESOLVED, that the Human Rights Commission calls upon the Health Commission to see that educational programs designed to reach at risk ethnic minority communities in San Francisco are developed in an expeditious manner;

AND BE IT FINALLY RESOLVED, that the Human Rights Commission urges the San Francisco AIDS Foundation to develop an effective affirmative action program for the hiring of staff to reflect the racial/ethnic population of the City and County of San Francisco.

Resolution 5-85
Adopted by the HRC 4/25/85
JW:jm

SF
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5/23/85

HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO
MINUTES OF THE MEETING OF THURSDAY, MAY 23, 1985
MAIN LIBRARY, CIVIC CENTER

NEXT MEETING
DATE: June 13, 1985
TIME: 10:15 AM
PLACE: Third Floor, Commission Room
Main Library, Civic Center

ROLL CALL

Commissioners

Present: Brenda Wade (presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, John Morrissey, Joan Zamora Moulton, Nicerita Revelo, Sal Rosselli, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: Esta Soler, George Suncin

Staff: Grant S. Mickins, Stanley Lim, Bea Carddnas-Duncan, Betty Burrell, Mary Gin Starkweather, Frank Anderson, Bayard Fong, Richard Horton, Gail Roberts.

Pledge of Allegiance

Minutes of April 25, 1985 approved with three corrections:

1. On Page 4 under the Lesbian/Gay Advisory Committee report, Commissioner Lyon noted that Mr. Larry Cruz spoke in support of the resolution to urge the Health Commission to increase their outreach efforts to the Third World communities in San Francisco.

2. On Page 5, Commissioner Morrissey raised a question regarding what was the explaination for the HRC's position on state issues, especially in situations of opposition to issues proposed by the state legislature.

   Grant Mickins responded that it had already been explained in a memorandum. The memorandum will copied and circulated again.

3. Commissioner Moulton requested that future listings of the next scheduled meeting for the Police and Social Issues Committee be included under Calendar Matters.

COMMUNICATIONS

- From Susan H. Francis, Deputy Director of the Residential Rent Stabilization and Arbitration Board, a letter to Grant S. Mickins with a list of Bar Associations regarding a request for hearing officers.

- From Angela Gittens, Deputy Director of Airports, a letter to Grant S. Mickins requesting HRC Expeditious certification for the successful bidder for the South Terminal Principal Concession Lease.

- From George E. Krueger, Assistant Chief Deputy City Attorney, a memo to Department Heads, regarding a list of tenants/licenses not current in their payments to the City.

- From John L. Taylor, Clerk of the Board, a memorandum to Department Heads regarding the deadline for submittal of the requests for supplemental appropriation.

- From George Agnost, City Attorney, a letter to Grant Mickins in appreciation for the training seminar for staff.

- From Mayor Dianne Feinstein, a letter to the Human Rights Commission in appreciation of support of the City Retirement Board divesture of holdings in companies doing business in South Africa.

DIRECTOR's REPORT

Director Hickins announced the upcoming CAHRO (California Association of Human Relations Organizations) Conference will begin Thursday May 30, 1985 and last through June 1st. The Agenda includes a member of workshops, and it is expected about 100 staff and conferees will attend. Director Hickins introduced Mary Gin Starkweather, who planned the Conference.

Ms. Starkweather explained five points:

First - the scheduled workshops and experts called in to be presenters.

Second - the cost of the 3 day Conference is $55.00 and is pro-rated on a sliding scale depending on how many register from the same office/commission.

Third - introduced the Citizens Committee on Civil Rights.

Fourth - highlighted the Saturday workshop.

Fifth - Supervisor Molinari will be the host speaker for the opening night dinner, May 30.

The Conference will be held at the Bellevue Hotel at Geary/Taylor Streets. General information will be sent out.

STANDING COMMITTEES

EMPLOYMENT

Commissioners George Suncin and Larry Martin
Co-Chairpersons

- Revised HRC Affirmative Action Program for Construction Contracts 1985-Stanley Lim, Contract Compliance Officer.

Mr. Lim presented revised Affirmative Action Program for Construction Contracts. Commissioner Moulton voiced her obection to the definition for "Hispanics". Her point was that Southern & Central American native indians should be included in the Hispanic category using the present language. A discussion followed. The City Attorney will be asked for a formal ruling.

Questions were raised on whether the HRC could approve the plan. It was pointed out that this was a revision of a plan already approved and that the HRC has the authority to revise the program as it deems necessary.

Stanley Lim continued. The majority of the revisions are to conform to the goals & requirement of the new 12D Ordinance. Also, the program has not been revised in 3 years. It was reviewed by an ad hoc committee of the Employment Commmittee for two months, modified and revised, and finally approved.

The major point to be noted in the program is the modification of the bidd that when he/she signs the program it thereby binds the bidder to the requirements. The minimum dollar amount before that program must be included depends on the funding source: for the Airport it covers contracts over $50,000.00; for Office of Community Development it covers $75,000.00, and for Clean Water contracts over $100,000.00.

Questions were raised regarding the validity of the Birth Certificates to prove ethnicity, and it was explained that many other apects were used in the determination. (Ex: community recognition). The definition for local business also includes requiring having a local distribution point.

The revised program includes a 2% WBE Participation goal. This is believed to be reasonable and achievable. Page 22 of the Program discusses the penalties and lack of good faith.

Commissioners made inquiry regarding the necessity of having the form notorized or not. "It is required," the Director said," however, it only verifies the person who signs it.

Regarding hauling, if the truck does not belong to the minority trucker, then only 20% of the dollar value will be credited.

Page 7 5d presents conditions of "misrepresentation of an MBE or WBE subcontract amount "can result in liability for liquidated damages.

Page 8 Number 9 includes the designation of credit to be given to minority/women-owned firms whereby 75% will go toward the MBE goal and 25% will go toward the WBE goal.

Commissioner Yamakawa requested on Page 8 item 10H, to read, "In the case of a joint or joint ownership, such facility must be separated from the non-MBE/WBE partner." 10i states that the minority/women share at least 51% of the profits and risks. Page 8 item 11. Commissioner Morrissey suggested the changing "-enjoy the customary benefits of ownership and shall-" to read, "The minority or women owner shall share in the risks and profits...."

Page 10 item17d provides guideline for Lower-tier subcontracting. It was suggested a change of language: "...leases equipment from"...to "...leases equipment or property from..." . Item 17 e prohibits "back contracing',when a MBE/WBE subcontractor leases from the prime contractor. Page 11, Item 25 A,B,C,D,E,F,G-covers the good-faith efforts of the contractor. Page 14-the employment goals have been updated based on the 1980 Census EEO file. The minority/women goals have increased for most of the trades.

It was then

******m/s/c to adopt the above-cited changes in the Affirmative Action Program for Construction. The vote was unanimous.

MBE/WBE/LBE Community Advisory Committee-Commissioner David Yamakawa

Their regular meeting is the third Thursday of the month at 3:30 P.M.

The most recent meeting, they discussed general issues. The "conflict of interest", issue was solved by the City Attorney, indicating the position of Commissioners and members of the committee. Mr. Bert Campbell of the Purchasing Department has asked for a support letter regarding his request for a supplement of $90,597.00 for staffing of the Affirmative Action component.

It was

******m/s/c that a letter be sent in support of Mr. Canbell's supplemental funding request. There will be an information forum for the Hispanic Business Community May 23 from 6:00-7:30 PM at Bayview Federal Savings and Loan near Mission and 22nd.

Bea Cardenas-Duncan reported the forum that evening would include Jim Gonzalez, Robert Tecco,-City Purchaser and Grant Mickins, and is co-sponsored by the Hispanic Chamber of Commerce.

- On June 11, 1985, the Friends of the HRC will giving community service awards. They are currently seeking nominations. The Friends and Staff will do the investigative work and final approval.

Commissioner Yamakawa noted that the HRC is not permitted to sit in closed deliberations, and recommended that the Friends make the decision.

CALENDAR MATTERS

ADMINISTRATIVE	Tuesday, June 25, 1985 5:30 PM, HRC Office 1095 Market Street, Room 509
COMMUNITY ADVISORY	Thursday, June 20, 1985 3:30 PM, Lurie Room Main Library
EMPLOYMENT	Thursday, June 6, 1985 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY COMMITTEE	Tuesday, May 21, 1985 5:30-7:30 PM State Building, Room 1200 350 McAllister Street
HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES/ POLICE LIAISON	Monday June 17, 1985 HRC Office, Room 509 1095 Market Street, 3:30 PM
YOUTH AND EDUCATION	Thursday, June 20, 1985 3:45 PM State Building, Room 2202 350 McAllister Street

There were no Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Bayard Peter Fong

GSM:BPF:bclp

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6/13/85

CITY AND COUNTY OF SAN FRANCISCO
HUMAN RIGHTS COMMISSION
Minutes of the Meeting of Thursday, June 13, 1985
Room 1200 State Building
350 McAllister 9:15 A.M.

NEXT MEETING

DATE: June 27, 1985
TIME: 9:15 A.M. PLEASE NOTE TIME CHANGE
PLACE: Room 1202 State Building
525 Golden Gate Avenue, Lower Level

ROLL CALL

Commissioners

Present: Brenda Wade (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, John Morrissey, Joan Zamora Moulton, Esta Soler, George Suncin, Rabbi Martin Weiner, David K. Yamakawa Jr.

Excused: Corrine Lee, Larry Martin, Nicerita Revelo, Sal Rosselli.

StaffStaff

Present: Grant S. Mickins, Bea Cardenas-Duncan, Jack Casford, Don Hesse, Ed Elumin, Zula Jones, Dick Norton, Gail Roberts, Mary Gin Starkweather, Essie Thomas.

Miriam Schwartz, a law student at George Washington University in Washington, D.C., was introduced. She is working on compilation of complaint procedures/cases at the HRC as a summer intern.

No Pledge of Allegiance due to absence of a Flag.

For the first hour and a half, approximately, of the meeting, there was no Quorum. Commissioner Lyon presided informally for the Minutes correction portion of the business meeting.

Minutes of May 23, 1985 approved with these changes:

The Minutes of April 25, 1985 changes referred to in the Minutes of May 23, 85 were corrected as follows:

1. Commissioner asked that the wording of the first correction by changed to read:

   On Page 4 under the Lesbian/Gay Advisory Committee report, Commissioner Lyon noted that Mr. Larry Cruz, Board member of the AIDS Foundation, indicated that the Foundation was committed to (underlined section replaces spoke in support of the resolution to urge the Health Commission to increase) their outreach efforts to the Third World communities in San Francisco.

2. Commissioner Moulton asked that the third listed correction be changed to read:

   Commissioner Moulton requested that the Social Issues and Police Liaison Committee be listed on every regular HRC meeting agenda. The original wording of this correction was;

   Commissioner Moulton requested that future listings of the scheduled meeting for the Police and Social Issues Committee be included under Calendar Matters.

4. On Page 2 of the Minutes of May 23, 1985, under the Employment Committee report section, in the first paragraph, Commissioner Moulton asked that the last sentence be deleted: The City Attorney will be asked for a formal ruling.

Commissioner Moulton said that, regarding the definition of "Hispanics" by the HRC, that she intended that the wording of the Rules and Regulations for Chapter 12D, the Minority/Woman/Local Business Enterprise Ordinance, of the City Administrative Code, Page 5, first paragraph be followed:

The category "Hispanic": all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture persons having origins in any of the original peoples of Central or South America, or other Spanish culture or origin, regardless of race.

The Commissioner emphasized that the underlined phrase above was what she intended be included in the HRC definition of "Hispanic". She said that the definition in the Revised HRC Affirmative Action Program for Construction Contracts 1985, as discussed at the May 23, 1985 meeting under the Employment Committee report, was what she meant to be changed.

- Director Mickins commented that he felt that those persons of the staff (Mary Gin Starkweather and Bayard Fong) who wrote the Minutes during Jack Casford's absence, due to illness, from March 22 through May 10, were to be commended for their efforts. He said also that the Minutes of the HRC are commended frequently by government-agency and human rights/relations professionals on local, state, and national levels. He said that the Minutes are considered widely as an authoritative account of human relations/affirmative action work.

COMMUNICATIONS

- From Constance Brand, Municipal Services Coordinator, Telecommunications Police Committee of the City and County of San Francisco, a Citizen's Committee appointed by the Board of Supervisors, a Memorandum to all City departments and agencies, requesting participation in a survey for municipal television programing. In 1986, Viacom Cablevision will be providing the City and County with a separate cable TV channel and videotex equipment. The survey, by the Municipal Services Subcommittee of the Telecommunications Policy Committee, is to ascertain levels of interest and available resources for video programming to be used for departmental and interdepartmental communications and public information.

- From Mayor Dianne Feinstein, a Memorandum to all department heads requesting that all communications with either of the City representatives in Sacramento or Washington, D.C., be forwarded through Jim Lazarus, Office of the Mayor, for better coordination and distribution of information.

- From Barbara Arms, M.A., Central City Hospitality House, thanking the Director for offering the HRC as intermediary to gather employment statistics at the Ramada Rennaissance Hotel.

- From Mayor Feinstein, a Memorandum to all department heads cancelling all requests for travel which is paid for by general fund monies.

- From Mayor Feinstein, a copy of her cover letter of transmittal and of her Proposed Budget for Fiscal Year 1985-86 as presented to the Board of Supervisors May 30, 1985.

The section on the Human Rights Commission notes that it will "continue working to implement and augment the ordinance regarding City contracting with minority owned business, women owned businesses and locally owned business," and noting that "during the first two quarters of the last fiscal year, when the ordinance first became effective, City contracting with minority owned businesses rose from 2.7% to 13.5%"-while women-owned businesses rose from .2% to 3.9%--- "... 25.3 percent of all contracts being with locally-owned businesses."

- From Holly Fincke, Fundraising Coordinator, San Francisco Women's Centers, commending a printing firm.

- From Scott A. Fink and Eric R. Havian, of Heller, Ehrman, White & McAuliffe, a law firm, copies of legal documents filed June 7, 1985 (Alternative Writ of Mandate and Order) on behalf of American Sign & Indicator Corporation, with the Superior Court of California, pertinent to a disputed contract award by the Airports Commission.

- From State Senator David Roberti, thanks to the HRC for its support (voted at its regular meeting April 11, 1985) of Senate Bill 303, the Extended Day Care Act of 1985, and urging further public indication of support for the proposal to provide latchkey childcare by sending extra keys to his office, State Capitol, Sacramento, CA 95814.

- From U.S. Representative Barbara Boxer, thanks to the HRC for its April 25, 1985 regular meeting vote to write letters opposing a recent Defense Department directive of March 13, 1985, requiring that all blood banks (military and civilian) that collect blood on military bases report to the military the names of all personnel who test HTLV-III positive.
The HTLV-III test was developed to test for the antibody to the AIDS virus. Rep. Boxer enclosed a copy of a letter she sent jointly with Senator Alan Cranston to Secretary of Defense Caspar Weinberger, expressing their deep concern over the directive.

DIRECTOR'S REPORT

"Hispanic" Definition.

The long-awaited Opinion of the City Attorney, George Agnost, on the "Hispanic" definition question as raised by Commissioner Moulton, will be transmitted to the HRC very soon, Mr. Mickins was informed recently by the Deputy City Attorney, Judith Boyajian, who has completed her draft and given it to Mr. Agnost. Mr. Mickins said he hopes to have it for presentation to the HRC by its first meetings in August, since the July meeting have been cancelled due to his attendance at the Chicago annual conference of the International Association of Human Rights Agencies, and his annual vacation.

- California Association of Official Human Rights Organizations Conference (CAHRO) May 3 , 31 and June 1, 1985.

The HRC was co-host, with the San Mateo Human Relations Commission, at the twelfth annual conference of CAHRO, in San Francisco. More than twenty county & municipal agencies sent delegates, both commissioners and staff, who attended workshops on Contract Compliance, the Growing Homeless Community, Citizen/Police Community Relations, Mediation, Housing Policies, HRCs and the Religious Community, Unlearning Racism, the AIDS/BACKlash, Organized Labor and Affirmative Action, Citizen/Police Community Relations, etc.

Mr. Mickins said that the list of outstanding speakers included Dorothy Porter, Western Regional Director, IAOHRA, Board of Supervisors President John L. Molinari; and an important Keynote address by Dr. Arthur Flemming, for many years the Chairman of the U.S. Civil Rights Commission and now head of a Citizens' Commission on Civil Rights (composed of many former human and civil rights officials of former Administrations)On the final day, San Mateo Board of Supervisors President Jackie Spiers spoke. Dr. Flemming recounted how there is increasing and effective resistance by local municipalities and government entities to recently-announced U.S. Justice Department attempts to oppose implementation of affirmative action programs.

A number of HRC Commissioners and staff attended the sessions of the conference. Mary Gin Starkweather was commended for her hard work in planning coordinating the many details of the conference.

Mr. Mickins said that many municipalities are beginning to reinstate their human relations/rights commissions, citing San Diego most recently. Following the passage of Proposition 13 in California a number of years ago, cutting property taxes, and thus municipal revenues, by as much as 60%, many entities disbanded, merged, or substantially diminished support for this work.

The next CAHRO conference is slated to be held in Santa Ana.

- Civil Service Commission Examinations for HRC Job Classifications.

All but three members of the HRC professional and clerical staff of 31, plus the two members of the Commission on the Status of Women staff, have taken and passed the Civil Service examinations in their job classifications. Many had been working for years without permanent status benefits. The point rankings have been announced and the elgibility list would soon be adopted. Mr. Mickins said that he felt that approximately 85% of the incumbent staff would be certified in their positions as a result of their rankings. He said some 80 to 90 persons from outside the agency had qualified on application and had taken the examinations, which covered local, state, and federal legislation and regulations, administrative knowledge, human relations experience, etc.

Commissioner Moulton, later joined by Commissioner Suncin, asked the Director whether "waivers" can be granted specific positions, including that of Coordinator, for bilingual requirements. The Director said that the Equal Employment Opportunity Unit of the Civil Service Comission has the sole authority to grant "waivers" of this nature and did not prefer to do so in this case.

There followed an exchange regarding bilingual requirements "waivers", during which Mr. Mickins' asked David Treanor, HRC Office Manager, to respond. He said that in years past departments like the Department of Social Services had need for staff to speak a second language, and that the guideline was it had to be required 85% of the working day.

Commissioner Suncin expressed his concern about how persons qualify for "that type of waiver (bilingual)' on the basis of a certain percentage of utilization. He said that, "We are at a disadvantage in bringing Hispanics into the HRC because we don't have the capability of doing an effective job of recruitment or outreach,..." He said that he saw a need to spend some time in trying to do some outreach.

*****Chairperson Wade then referred this point for action and specific recommendations, at Commissioner Moulton's request, to the Social Issues and Police Liaison Committee. The Commissioner said she felt it imperative that there be specific staff followup, on a high priority basis, on recommendations for outreach as they are adopted.

REPORT OF THE CHAIRPERSON

- Reception-Friends of the Human Rights Commission.

A reception in honor of the Community Advisory Committee for the Minority/Women/Local Business Enterprises Ordinance was held on Tuesday, June 11, 1985 at the Regent Cafe on Clement Street. The members of the Committee are: Ricardo Alva, Pio Barrera, Wilson Chang, Wilbur Chinn, Margaret Cruz, Shirley Dimapilis, Aileen Hernandez, James D. Jefferson, Marian M. Johnston, Stephen W. Lee, Laurie McBride, Celso D. Ortiz, Eva J. Paterson, Andre M. Pettigrew, Drucilla S. Ramey, and Ernest L. Lowe. Small cash donations were solicited, and there were hors d'oeuvres, live music, and dancing at the 6 to 8 affair. Beatrice Cardenas-Duncan was thanked for her coordination the planning of the event.

- Jack Casford.

Mr. Casford was welcomed back after recuperating from a heart attack March 24.

- HRC Priorities.

Members of the HRC staff were invited to submit their suggested priorities for HRC consideration, action, and concern in Fiscal Year 1985-1986, by June 23 to the Administrative Committee.

STANDING COMMITTEES

ADMINISTRATIVE

Commissioner Esta Soler, Chairperson

- Recommended Adoption of Dispute Resolution Guidelines-Gail Roberts.

The six Guidelines were adopted by the Committee at it's May 28, 1985 meeting. They were discussed at earlier HRC meetings, and the proposed six Guidelines sent in advance to the mebers of the HRC for their study.

It was then

*****m/s/c (Unaimously) that the HRC adopt the Dispute Resolution Guidelines, incorporating wording changes and additons submitted by Commissioner Weiner, and some minor spelling and gramatical changes for consistency of style. A complete copy of the Guidelines is attached to these Minutes.

- Recommended Adoption of Residency Requirements for Membership on HRC Standing Committee.

A copy of this statment of position was provided to the HRC in advance for its study. The requirments were adopted by the Administrative Committee at its May 28, 1985 meeting.

It was then

*****m/s/c (unanimously) that the HRC adopt the Residency Requirements for Membership on HRC Standing Committees. A complete copy is attached to these Minutes. To Commissioner Yamakawa's questions, the Director said that the recommended Requirements were on the recommendation of the City Attorney as one of several alternatives.

SPECIAL ORDER

- Review of the HRC's Budget Request for Fiscal Year 1985-1986-David Treanor.

Using a slide projector, Mr. Treanor reviewed in detail the HRC's budget requests to the City for Fiscal Year 1985-1986. In Fiscal Year 1985-1986, the HRC (general revenues) budget totaled $887,162. For Fiscal Year 1985-1986, the HRC requested $1,061,595. The Mayor's Office has recommended Funding at $1,036.831. The Director and Commission Chairpersons will appear before the Finance Committee of the Board of Supervisors on June 20.

- Commissioner Morrissey inquired if a ratio of performance under the Management-By-Objectives program as it related to budget reauests were established and was told that the HRc's performance under the MBO program was an important factor in its budget request activity.

Review and Workshop on Chapters 12A and 12B and HRC Rules and Regulations-Director Hickins.

The Director then gave a 45-minute presentation, using a slide projector, on the point-by-point powers and functions of the HRC as established by the 1964 Chapter 12A and 1968 Chapter 12B ordinances of the City Administrative Code. This presentation had been requested by Commissioner Rosselli.

NEW MATTERS

- Chairperson Wade on Channel 4 TV Show.

Commissioner Lyon noted that Chairperson Wade made her first appearance as a "standup psychologist" on a program called TGI-4, at 3:30 PM on June 12, on KRON Channel 4. Chairperson Wade said she will be appearing weekly on the program, noting that she is the first person of color to become a regular participant.

- Illness of Jackie Winnow.

Commissioner Lyon reported that Jackie Winnow, the HRC's Lesbian/Gay Community Liaison Worker, underwent surgery for breast cancer June 10, and that she is recuperating at home. Individual staff and Commissioners already have communicated with her and it was unanimously agreed to send her a formal letter of concern and good wishes, supplemented by a floral gift.

- Pool of Hearing Officers.

Some ten responses have been received to date from the more than fifty letters sent to potential Hearing Officers by the HRC Commissioners Morrissey and Soler will be reviewing them along with Director Mickins.

The closing date for responses is June 14, 1985.

CALENDAR MATTERS

- The next meeting of the HRC will be Thursday, June 27, 1985 at 9:15 AM in Room 1202 of the State Building, 525 Golden Gate Avenue.

STANDING COMMITTEES

ADMINISTRATIVE	Tuesday, June 25, 1985 5:30 PM, HRC Office 1095 Market Street, Room 509
COMMUNITY ADVISORY	Thursday, June 20 ,1985 3:30 PM, Lurie Room Main Library, Civic Center
EMPLOYMENT	Thursday,(July 4, 1985 cancelled) August 1, 1985 9:30 AM 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced.
LESBIAN/GAY ADVISORY	Tuesday, July 16, 1985 5:30-7:30 PM State Building, Room 1200 350 McAllister Street
SOCIAL ISSUES AND POLICE LIAISON COMMITTEE	Monday, June 17, 1985 2 PM Viacom Office 2065 Folsom Street, between 16th and 17th.
YOUTH AND EDUCATION	Thursday, June 20, 1985 3:45 PM State Building, Room 2202 350 McAllister Street, Civic Center

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp:ltn

Attachment #1

MEMORANDUM

From the Office of the
HUMAN RIGHTS COMMISSION

1095 Market Street-#501
San Francisco 94103
558-4901

TO: Human Rights Commission

Date: May 29, 1985

FROM: Administrative Committee

RE: Dispute Resolution Guidelines

The Administrative Committee, at its May 28, 1985 meeting, adopted these Dispute Resolution Guidelines. It requests adoption by the full Commission.

1. Any issue brought to the Commission or staff for resolution must first be committed to writing, preferably by the proponents and, if not by them, by HRC staff, prior to consideration of this issue by a committee or the Commission.
2. Issues raised at Commission and committee meetings or from Commissioners or committee members are to be referred to the appropriate staff for investigation and report.
3. Commissioners and staff are to consider the possible ramifications of issues brought to the committees and to the Commission. Whenever feasible, both sides of the issue should be heard as specified in the HRC 1977 Policy of Endorsement.
4. The time constraints of an issue need to be determined, and then the time required to consider an issue should be carefully evaluated.
5. Prior to an issue being considered by a committee, staff, in consultation with the committee chair, is to prepare a report, clarifying the issues involved.
6. Prior to one committee's referring an issue to another committee, co-chairs and staff of each committee need to consult prior to referral to the second committee.

#####################

Adopted by the HRC 6/13/85

NEW MATTERS

- Chairperson Wade on Channel 4 TV Show.

Commissioner Lyon noted that Chairperson Wade made her first appearance as a "standup psychologist" on a program called TGI-4, at 3:30 PM on June 12, on KRON Channel 4. Chairperson Wade said she will be appearing weekly on the pro- [illegible] the first person of color to become a regular participant be attending the annual conference of the

Attachment #2

CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM

From the Office of the
HUMAN RIGHTS COMMISSION

1095 Market Street-#501
San Francisco 94103
558-4901

Date: May 30, 1985

TO: Human Rights Commission

FROM: Administrative Committee

RE: Residency Requirements for Membership on HRC Standing Committees.

The Administrative Committee, at its May 28, 1985 meeting, adopted the position that membership on Standing Committees is constituted under the City Administrative Code, Chapter 12A, Section 12A.10 Rules and Regulations, which allocates to the Commission the right to set up its own rules and regulations. Procedures for Standing Committees are set forth in Rule 21 of the Commission's Rules and Regulations. No mention of Standing Committees is made in the Administrative Code. This interpretation was contained in an October 22, 1982 memorandum to John L. Taylor, Clerk of the Board of Supervisors, from David I. Kroopnick, Deputy City Attorney and Mary Golden, Legal Assistant.

Therefore, there is no requirement to be a resident of the City and County of San Francisco for membership on Standing Committees because Rule 21 has no such requirement and the provisions of Chapter 12A, Section 12.A.6. ADVISORY COUNCIL: SPECIAL COMMITTEES does not apply.

################################

Adopted by the HRC 6/13/85

SF
HRC
#2
6/27/85

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, June 27, 1985
Room 1202, Lower Level, State Building
350 McAllister Street

NEXT MEETING

There will be no HRC regular meetings in the month of July. Director Mickins will be attending the annual conference of the International Association of Official Human Rights Organizations in Chicago, followed by his annual vacation.

Date: Thursday, August 8, 1985
Time: 10:15 AM
Place: Third Floor Commission Room
Main Library, Civic Center.

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ROLL CALL

Commissioners

Present: Brenda Wade (presiding) Samuel Chung, Joe Jung, Larry Martin, Joan Zamora Moulton, Nicerita Revelo, George Suncin, David K. Yamakawa Jr.

Excused: Corrine Lee, Phyllis Lyon, John C. Morrissey, Sal Rosselli, Esta Soler, Rabbi Martin S. Weiner.

Staff

Present: Grant Mickins, Bettye Burell, Beatrice Cardenas-Duncan, Jack Casford, Linda Chin, Eileen Gillis, Don Hesse, Richard Norton, Miriam Schwartz, Mary Gin Starkweather.

No Pledge of Allegiance due to lack of a Flag.

Minutes of June 13, 1985 approved with the follwoing corrections:

1. On Page 1, under discussion of the Minutes changes, No. 1 should read: Commissioner Lyon (her name had been omitted) asked that the wording of the first correction be (not by) changed to read:

2. Question about the Minutes of April 25, 1985, on Page 5, regarding a question about the HRC's position on State issues, had been raised by Commissioner Lyon on May 23 at the HRC meeting. Jack Casford, on her request, contacted Commissioner Morrissey, who said that in his opinion there was no need to make any further correction regarding his inquiry about the City's Endorsement Policy and the procedure required of a City agency referring legislation/resolutions to the State Legislation Committee with a copy to the City's lobbyist in Sacramento, Ed Gerber.

3. On Page 4 of the HRC's 6/13/85 Minutes, in the fourth paragraph beginning: Commissioner Moulton, later joined by Commissioner Suncin......, the Commissioner asked that there be inserted after that sentence(taken verbatim from her remarks as recorded:)

Well, it would seem to me, in all due respect to everybody, a human rights commission, supposedly we are dealing with human rights issues. There are two major ethnic groups in this City which do not speak English, which have a terrible time, you know, coping. Those two positions (the HRC had at one time had two positions designated as requiring bilingual abilities which were discontinued because they did not meet the 85% need requirement) like we had before, I was not under the impression these were gone. If I had known they were gone, that would have been a different story. I would have investigated it, and maybe organized, gone to the Asian Caucus, but you see I was never aware, I don't think any of us were aware that those had been taken out.

COMMUNICATIONS

- From State Senator Bill Lockyer, to Commissioners Suncin and Lee, acknowledging their letter, on behalfof the Employment Committee, stating support for Assembly Bill 1464, providing that California counties award contracts to the lowest responsible bidder, not just the monetary low bidder, and further providing that county boards of supervisors not be precluded from rejecting any bid on the basis of the bidder's failure to comply with affirmative action.

- From Julie Yim, a letter of resignation as an HRC Contract Compliance Officer effective June 21, 1985. Ms.Yim will join the staff of the San Francisco International Airport as a Financial Analyst. See Director's Report.

- From Will Dotson, Chair, Bay Area OFCCP/Veterans Liaison Group, confirming a discussion with the Director about concerns of several veterans organizations.

- From Michael A. Blecker, Executive Director, Swords to Plowshares: A Veterans' Rights Organization, requesting that Vietnam-era veterans be included with women and minorities as a delineated classification for purposes of Affirmative Action and compliance in City and County contracting.

-- From Geraldine M. Johnson, Chapter President, Coalition of Black Trade Unionists, to Commissioner Moulton, accepting her invitation to become a member of the Social Issues and Police Liaison Committee.

- From Lieutenant Edmund Pecinovsky, Administration Bureau, San Francisco Police Department, informing Commissioner Moulton that he and Deputy Chief of Police Richard H. Trueb would be unable to attend the next meeting of the Social Issues and Police Liaison Committee.

- From Supervisor Nancy G. Walker, stating the issues she wishes to focus on in hearings of the Finance Committee, including the MBE/WBE Ordinance goals, "contracting out" policies of the HRC, HRC affirmative action goals, sources of revenues, HRC expenditures on direct services, and HRC processing and costs of departmental work orders.

- From John L. Taylor, Clerk of the Board, inquiring, on behalf of the Finance Committee,about a Process Server private contractor certification as an MBE/WBE.

- From Mayor Dianne Feinstein, a June 21, 1985 Memorandum to Department Heads, informing that Hilary Rosen ,Vice President of Liz Robbins Associates, who acts as a lobbyist for the City in Washington, D.C., would be available the week of July 1 to meet with the department representatives to discuss pending federal legislation of importance to the City, and enclosing a list of questions Ms. Rosen would be asking.

- From Charles L. Smith, Jr. Director of Operations, Youth for Service, citing the significant drop in participation and hires for the Christmas Jobs for Youth Program, operated with the endorsement of the HRC by Youth for Service with the San Francisco Retailers Community Relations Gorups since 1976. Mr. Smith asked for a resolution from the HRC reaffirming its support of the Program.

DIRECTOR'S REPORT

- HRC Budget Review by Finance Committee.

The HRC's budget request for Fiscal 1985-1986 has been heard for the first time by the Board of Supervisors' Finance Committee. Its second review is scheduled for June 27 at 1:30 PM. Director Mickins said it was anticipated that funding would be approved for the HRC Hearing Officer positions as requested and for the purchase of a computer to be located in the City Purchasing Department to deal with MBE/WBE/LBE data. Upgrading requests of City departments are being postponed until September, he said.

- Staff Departures

Julie Yim, for several years a Contract Compliance Officer based at San Francisco International Airport, has resigned to become a Financial Analyst there. Chabe Yrigoyen, EA Specialist II on the staff of the Commission on the Status of Women, has resigned to pursue her musical career with study in Venezuela. Larry Cruz, for four months assigned to the MBE/WBE/LBE implementation staff in the City Purchaser's Office, also completed his term. These three staff members were honored at a staff party recently.

STANDING COMMITTEES

ADMINISTRATIVE
Commissioner Esta Soler, Chairperson

- Report on Selection of Hearing Officers.

Commissioners' meeting packets contained a Memorandum listing by name, ethnicity, sex, if an attorney and with a brief experience and occupational background, 22 persons on a Selection Panel to be Hearing Officers. The list includes 12 females, and 10 males, 12 attorneys. Only nine ethnic identifies were known, 7 white and 2 Black. The HRC adopted a Selection Procedure for Hiring HRC Hearing Officers on March 14, 1985.

- Revisions to MBE/WBE/LBE Business Utilization Rules and Regulations for Fiscal Year 1985-1986.

Director Mickins said that these revisions are still to be reviewed by the Community Advisory Committee.

- HRC Priorities.

Commissioners were provided with a Memorandum listing the HRC priorities designated by HRC members at the request of Chairperson Wade.

The most frequently-designated priorities for Fiscal Year 1985-1986 were: (with assignments to Standing Committees by Chairperson Wade):

1. Implementation of the MBE/WBE/LBE Ordinance -Community Advisory Committee
2. Responsiveness to Hispanic/Latino Community Concerns-Social Issues and Police Liaison Committee.
3. Responsiveness to the AIDS Crisis-Lesbian/Gay Advisory Committee.
4. Promotion of the employment of minorities and women-Employment Committee.
5. Responsiveness to civil rights/human rights issues-Jointly to Youth and Education and Social Issues and Police Liaison Committees.

It was

******m/s/c (unanimously) to adopt these five priorities for Fiscal Year 1985-1986.

Chairperson Wade also renewed her request to all members of the HRC to make their particular interests and concerns known. She also asked that they present concrete suggestions as to how to carry out and achieve the priorities they have contributed.

Commissioner Yamakawa noted that the Administrative Committee had felt that there were two ways the priorities as compiled could next be addressed: through Administrative Committee study and recommendation, or by referral to the appropriate Standing Committees.

- Management-by-Objectives (MBO) Performance Indicators--HRC--Fiscal Year 1985-1986-Gail Roberts

Commissioners were given the highlights of this four-page chart/compilation of the main functions of the HRC operations, with statistical target goals. For example, as part of implementing the MBE/WBE/LBE Ordinance (Chapter 12D), the HRC was charged with steps to utilize 30% MBEs and 10% WBEs as Prime City Contractors; it was to review and approve 100% of the City departmental MBE/WBE plans within two months; it was to certify bona fide MBEs/WBEs/LBEs, etc. Ms. Roberts, who compiles these statistics for the HRC to provide the MBO staff, noted the Mayor's frequent emphasis on the reduction of the time required to complete handling of complaints; and the limit of 365 days set on any complaint's being settled. Under the HRC functional goal of increasing outreach and services to the Lesbian/Gay communities, Eileen Gillis, HRC Lesbian/Gay Liaison Representative, reported that she is getting from three to four AIDS-related complaints daily, and building a backlog. As community services in this area become more strained, she said, the HRC frequently is seen as a last-resort resource.

SOCIAL ISSUES AND POLICE LIAISON
Commissioner Joan Zamora Moulton, Chairperson

- Committee Report. -Commissioner Moulton

1. The Committee has a adopted a set of Goals and Objectives, with heavy stress on outreach.

2. The Committee has expanded its membership to 20 persons, representing such new organizations as the Office of Citizen Complaints, Latino Peace Officers Assocation, San Francisco S.A.F.E., and the Community Boards of San Francisco and the Coalition of Black Trade Unions. Commissioner Moulton said she intended to expand the Committee to 25 in the future.

3. The Intergroup Clearinghouse will have representation and work cooperatively with the Committee.

4. The Committee met at Viacom, a public-access cable television station, Channel 25 on June 17. It was shown one of a series of programs, sponsored and produced by the Ku Klux Klan, which are aired once each week in daylight hours. Several Committee members had expressed their concerns regarding the prejudicial nature of these programs. Commissioner Moulton said the film the Committee viewed was strongly anti-Semitic in its content. She said an ad hoc group of the Committee would be meeting soon to draft reaction recommendations. She said she felt that the Committee and the HRC must take a "real strong stand against hate-mongers in this community."

5. She asked that all mail for the Committee be directed to staff at the office.

6. She announced that the Mexican-American Political Association (MAPA) would hold a reception in honor of the newly-elected officers for the San Francisco Chapter, June 27, from 6-to 9 PM, in the Green Room of the War Memorial Building, donation $10, $15, or $25 per person. The officers to be honored are: President Mike Garza, Vice President Art Tapia, Treasurer Angie Alarcon, Corresponding Secretary Beatrice Cardenas-Duncan, and Recording Secretary David Pacheco.

- Death of Jim Johnson.

James H. Johnson, Executive Director of the Mayor's Office of Community Development , died of a heart attack in Dallas June 24. His funeral will be Friday, June 28 at 9 AM at Glide Memorial Church. The HRC is sending flowers. Members of the HRC staff had worked closely with Mr. Johnson for a number of years.

SPECIAL ORDER

- Continuation of Review and Workshop--HRC Ordinances and Rules and Regulations-Director Mickins

This was the second of two presentations in response to a request from Commissioner Rosselli, on the functions of the HRC under its Chapters 12A, 12B, etc. The Director again used a slide projector for his half-hour presentation. He said at the conclusion that he hoped in several months to include a discussion of Chapter 12C, to add to his examination of the operation of HRC powers under Article 33 of the Municipal (Police) Code.

NO NEW MATTERS

OLD MATTERS

- It was reported by Eileen Gillis that Jackie Winnow is doing well, and that she begins six weeks of medical treatments for breast cancer soon.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, August 8, 1985 at 10:15 AM in the Third Floor Commission Room of the Main Library in the Civic Center. The July 11 and July 25 meetings have been cancelled.

STANDING COMMITTEES

ADMINISTRATIVE	Tuesday, July 30, 1985 5:30 PM, HRC Office 1095 Market Street, Room 509
COMMUNITY ADVISORY	Thursday, July 18, 1985 3:30 PM Third Floor Commission Room Main Library, Civic Center
EMPLOYMENT	Thursday, August 1, 1985 9:30 AM 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be Announced
LESBIAN/GAY ADVISORY	Tuesday, July 16, 1985 5:30 -7:30 PM State Building, Room 1200 350 McAllister Street
SOCIAL ISSUES AND POLICE LIAISON	Monday, July 15, 1985 3:30 PM 1095 Market Street, Room 509
YOUTH AND EDUCATION	July and August meetings cancelled.

NO REMARKS FROM THE AUDIENCE

Adjourn

Respectfully submitted

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

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22/85

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday August 8, 1985
Commission Room, Main Library
Civic Center

NEXT MEETING

Date: Thursday, August 22, 1985
Time: 10:15 AM
Place: Third Floor, Commission Room
Main Library, Civic Center

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AUG 27 1985
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ROLL CALL

Commissioners

Present: Brenda Wade (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, John Morrissey, Joan Zamora Moulton, Nicerita Revelo, Sal Rosselli, Esta Soler, David K. Yamakawa.

Excused: Corrine Lee, Larry Martin, George Suncin, Martin S. Weiner

Staff

Present: Grant S. Mickins, Frank Anderson, Bettye Burrell, Bea Cardenas-Duncan, Jack Casford, Linda Chin, Don Hesse, Bayard Fong, Zula Jones, Clemente Newball-Obregon, Richard Norton, Pansy Ponzio Waller, Gail Roberts, Mary Gin Starkweather.

Pledge of Allegiance

Minutes of the Meeting of June 27, 1985 (there were no HRC regular meetings in the month of July) approved with one minor change:

At the request of Commission Moulton, on Page 1, under 3. The next to the last line on the page, reading, "...and maybe organized, gone to the Asian Caucus.." "maybe" was changed to "would have".

-and one addition: Gail Roberts should have been listed as present; June 27, 1985.

COMMUNICATIONS

- From George A. White, Assistant Executive Director, San Francisco Clean Water Program, notifying Director Mickins of acceptance of additional documentation from the HRC justifying the increase to its 1985-1986 Fiscal Year Work Order Budget proposal, and informing the proposal was accepted.

- From John L. Taylor, Clerk of the Board of Supervisors, a copy of a Ballot Measure Charter amendment to facilitate the employment of disabled persons, with a request for comments as to the effect of the proposed measure on HRC and other City operations (Chief Administrative Officer, Civil Service Commission, Controller, Budget Analyst, etc.).

- From Rita Sears, Public Relations, City College of San Francisco, to Beatrice Cardenas-Duncan of the HRC staff, thanking her for her participation as a facilitator to the Minority Business Enterprise Project Seminar on "Creative Ways to Finance a Small Business" on May 18, 1985.

- From the Clerk's Office, Board of Supervisors, a June 19 Memorandum sent to all department heads, providing examples of three sizes of the the official City Seal for reproduction purposes.

- From Rosario Anaya, Executive Director, Mission Language & Vocational School, Inc., commending the HRC for organizing the "information Forum" on the new Minority Women/Local Business Enterprises ordinance.

- From Mayor Feinstein, a copy of her letter to Rita Semel, Chairman, Intergroup Clearinghouse Inc., offering her staff assistance to Michael Goldstein, the new consultant to the Clearinghouse.

- From Mayor Feinstein, a copy of a letter sent all heads of commissions and boards, department heads, and chiefs of bureaus July 8, 1985, relative to announcing the nomination process for the Public Managerial Excellence Awards presented by the Mayor's Fiscal Advisory Committee and the San Francisco Planning and Urban Research Association. This is the fifth year of this program.

- From Moira S. So, Executive Director, Mayor's Office of Community Development, regarding the HRC's Request for Funding Application for 1986 Community Development Block Grant funds.

- From Walter L. Johnson, Secretary-Treasurer, San Francisco Labor Council, a Mailgram regarding his concerns about the employee/management relationship at the Woolworth Company store #64 at 895 Market and alleged discriminatory actions. See reference below under New Matters.

- From Mayor Feinstein, a Memorandum July 15, 1985 to all department heads re-requesting a response regarding specific examples of problems with the present system addressed in a proposed Charter amendment regarding Civil Service reform.

- From Mara E. Rosales, Deputy City Attorney, a copy of a Memorandum to Supervisor Quentin Kopp of July 17, 1985 providing, at his request, MBE/WBE/LBE subcontractor amendments prohibiting "back contracting."

- From James L. Lazarus, Deputy Mayor, a Memorandum sent to all department heads July 15, 1985 informing of an electronic state legislative tracking service available to each department, through the Department of Public Health. This Capitol Information Management system provides a summary of State Legislature bill activity.

- From Mayor Feinstein, to Chairperson Wade and the HRC, announcing plans to issue a proclamation August 10, 1985 to commemorate the MBE/WBE/LBE program. See discussion below under New Matters.

- From Mayor Feinstein, a copy of her letter to Supervisor Nancy Walker, with a copy to the Commission on the Status of Women, asking the Supervisor to seek Civil Service Commission and COSW comments and review of the proposed amended City ordinance regarding sexual harassment.

- From Aileen C. Hernandez, Coordinator, Coalition for Economic Equity, congratulating the HRC on progress made thus far implementing the City's MBE/WBE/LBE ordinance, and making a number of comments and suggestions.

- From Moira Shek So, Executive Director, Mayor's Office of Community Development, two letters, each pertinent to an HRC proposal, giving information on the status of anticipated "drastic cutbacks" in federal funding for the program, and the budget options locally.

- From Roger Boas, Chief Administrative Officer, announcing the appointment of Marvin Geistlinger as new City Purchaser, and a luncheon to honor him on August 2 at noon in the Museum of Modern Art Board Room.

- From George Diaz, Comunitron Unlimited, to the Citizens Advisory Committee (Chapter 12D implementation), detailing a problem for small and minority-owned businesses in bidding for City contracts in competition with large corporations.

DIRECTOR'S REPORT

- International Association of Official Human Rights Agencies Conference.

The Director attended this annual event, held this year July 7 through 12 at the Ambassador West Hotel in Chicago. The theme was Human Rights: "A Call for Unity." Human rights commissioners and staff, plus human and civil rights workers from government and the private sector attended. The keynote speaker was Mayor Harold Washington of Chicago. Mr. Mickins said that there was strong representation about the erosion in the enforcement activity of federal agencies, with some of the slack being taken up by state and local jurisdictions in human and civil rights. Declining federal funding also was discussed.

Mr. Mickins said the highlight speech was that of U.S. Rep. John Conyers, Jr. of Michigan, who spoke on the "Perspectives on the Federal Civil Rights Enforcement Effort---The Congress."

Outstanding workshops included: Racial Slurs/Evolution of the Law from a Canadian Perspective: Women in Non-traditional Jobs; Sexual Harassment; Minorities in the Media; and the Business and Industry Day Luncheon.

The Director said he hoped later to draft a written summary of his observations on the conference.

Commissioner Morrissey commended the Director for attending this important conference, and asked for comment on to what extent entrepreneurial success by specific minority groups had been tallied, and whether any groups have attained equity. Both Director Mickins and Commissioner Moulton expressed the belief that equity in any sense was many decades away.

- Chaper 12D Upheld by Federal District Court.

A legal challenge brought approximately one year ago by the Associated General Contractors of California, Inc. against Chapter 12D, the Minority/Women/Local Business Enterprise ordinance, was rejected August 7, 1985 by U.S. District Judge Thelton Henderson. The judge ruled on both constitutional objections to the City legislation, which went into effect in August of 1984, and on the appropriateness under the City Charter. Deputy City Attorney Mara E. Rosales, who represented the City (HRC) in the challenge by the AGC, advised the Director that the judge's ruling came on the City's Motion for Summary JUDGMENT.

The AGC has announced it will appeal the ruling to the Ninth Circuit Court of Appeal (California), and, said Mr. Mickins, it could go eventually to the U.S. Supreme Court.

- City Attorney's Opinion on Definition of the Category "Hispanic" for the Purpose of Participation in the City's Minority Business Enterprise Programs.

Objections to the definition in HRC Affirmative Action programs of the term "Hispanic" , particularly to its inclusion of European origin (from the official wording..." "all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.") persons in the category began in January of 1982, and were voiced then by Commissioners Moulton, Obregón, and Sevilla. In June 1982, the HRC asked for an Opinion from the City Attorney on the definition questions.

The City Attorney's Opinion No. 85-17, dated August 6, 1985, and prepared by Deputy City Attorney Judith A. Boyajian, dealt with the question: Is the Human Rights Commission empowered to amend the definition of the "Hispanic" category used in the City's Minority Business Enterprise Programs to exclude persons of "Spanish culture" originating from Europe?

The Opinion states: "No. It is beyond the scope of the Commission's present delegated powers to amend the definition of "Hispanic" to exclude from the category, because of their country of origin, persons who traditionally have been included therein."

In conclusion, the Opinion states: "In our position, redefinition of the traditional racial/ethnic categories, as set forth in Section 12D.5, is a policy decision to be made by the legislative body and is beyond the present scope of the Commission's delegated powers."

Commissioner Moulton expressed her strong displeasure with the Opinion.

At the suggestion of Vice-Chairperson Soler, Chairperson Wade

*****directed all Commissioners to review the Opinion to prepare for discussion of it on the next regular HRC meeting Agenda for August 22, 1985.

- The Chairperson also asked, in response to a request from Commissioner Morrissey, that HRC staff research any documentation on the incidence of Spanish-origin persons claiming status and preference as Hispanic, and asked that Commissioner Moulton do so also in preparation for the August 22 discussion.

John Paez Assignment.

The Director announced that John Paez has joined the HRC staff as a Contract Compliance Representative, and will be monitoring architectural/engineering contracts. It also was announced that Bayard Fong, a Contract Compliance Representative will be the HRC's Contract Compliance Officer at San Francisco International Airport, succeeding Julie Yim, who resigned in May of 1985.

SPECIAL ORDER

- Proposed Resolution to Accept Mayor's Office of Community Development Funding.

This formal action being now required by the MOCD, it was

****m/s/c that the HRC adopt the Resolution of the Human Rights Commission of San Francisco to Receive and Accept Funding from the Mayor's Office of Community Development. A copy of this Resolution is attached to these Minutes.

STANDING COMMITTEES

ADMINISTRATIVE
Commissioner Esta Soler, Chairperson

- Request that the Chair Appoint a Committee to formulate a Plan to Hear and Review Hispanic-Latino Concerns.- Vice-Chairperson Soler

Reading from the Administrative Committee's listing of the HRC's June 27, 1985 adoption of HRC priorities for Fiscal Year 1985-1986, the Commissioner said that it was felt that a number of them (five altogether) could be dealt with by already-existing Standing Committee. She noted, however, that the second list priority was "Responsiveness to Hispanic /Latino Community Concerns", and that it had been assigned to the Social Issues and Police Liaison Committee. It recommended that the Chairperson name an ad hoc committee to address this priority directly. It was noted that Hispanic community concerns were the subject of discussion at an Administrative Committee meeting June 20, 1984 chaired by Commissioner Moulton, and attended by a number of Hispanic/Latino community leaders, in addition to Hispanic HRC staff, Director Mickins, and Stanley Lim.

*******Chairperson Wade named Commissioners Moulton, Rosselli, and Yamakawa to this ad hoc committee.

EMPLOYMENT
Commissioners Corrine Lee and George Suncin, Co-Chairpersons

- Revised HRC Affirmative Action Program for Architecture/Engineering (A/E) Consulting Contracts.DPW(Department of Public Works). Bayard Fong, Contract Compliance Representative.

Mr. Fong pointed out the changes made in this document, a copy of which was provided each Commissioner, which contains twelve pages of instructions on procedures for contract awards, evaluation, contract compliance, etc., plus samples of forms required, such as for prime consultants and joint venture partners, and the Minority/Women-owned and Local Business Certification forms, and the Application for Bid or Rating Preference form. He explained how the program is applied and why additions or changes were made.

It was then

*****m/s/c to adopt the Affirmative Action Program, Architecture/Engineering (A/E) Consulting Contracts-DPW.

MBE/WBE ADVISORY

Commissioner David K. Yamakawa Jr. Chairperson

- Committee Report-Commissioner Yamakawa

The Committee has met regularly the third Thursday of each month at 3:30 PM in the Third Floor Commission Room of the Main Library. The next meeting will be Thursday, August 15, 1985.

It has two pending activities:

1. Revision of the Rules and Regulations for Fiscal Year 1985-86 for Minority/Women/Local Business Enterprises Chapter 12D of the San Francisco Administrative Code, which will be on the agenda of the HRC's August 22, 1985 meeting for action.

2. Observance of the first anniversary of Chapter 12D, with a Mayoral press conference/reception in her office. Two tentative dates are under consideration: August 19 and August 26.

YOUTH AND EDUCATION

Commissioners Nicerita Revelo and Martin S. Weiner
Co-Chairpersons

- Committee Report-Commissioner Revelo

Among the issues the Committee will be addressing in the upcoming months are: the high drop-out rate among youth of San Francisco, and the types of steps the San Francisco Unified School District are taking to deal with it; an invitation to the new Acting Superintendent, Carlos Cornejo, to address the September meeting of the Committee; the types of recreational facilities available for after-school children; and types of training for paraprofessionals who work at child care centers.

The Commissioner said her Committee hoped to dovetail common interests with the Social Issues and Police Liaison Committee.

- Commissioner Moulton said she had met with the new Acting Superintendent recently and been most impressed with his point of view.

SOCIAL ISSUES AND POLICE LIAISON

Commissioners Joan Zamora Moulton and Samuel Chung

- Committee Report-Commissioner Joan Zamora Moulton, Chairperson

At the July 15 meeting, the following items were addressed:

- the lack of Hispanic /Latino representation among the lists of HRC Hearing Officer applicants, with questions as to what types of outreach efforts were conducted; this subject will be discussed more fully at the Commitee's August 19 meeting. The concerns also were reported to the Mexican-American Political Association and the Latino Democratic Club.

For discussion, in addition, at the August 19 meeting will be:

1. What is the role of individual Committee members?

2. Assignments of specific projects and issues to Committee members for followup.

3. Suggestions for agenda items for upcoming meetings.

4. A request to the San Francisco Police Department to provide the Committee with a list of the officers chosen for the sergeant's position, with an ethnic breakdown.

5. Concerns over the hiring and promotional practices of the Retirement Board, brought by new Committee member Geraldine Johnson of the Coalition of Black Trade Unionists.

At the suggestion of Commissioner Soler, Chairperson Wade

*****asked that HRC staff responsible make a second mailing to the community, with emphasis on the Hispanic community, soliciting applications for HRC Hearing Officer.

NEW MATTERS

- Friends of the HRC Annual Award of Merit Plans–Beatrice Cardenas-Duncan

Copies of the letter being sent to the community groups and organizations soliciting their nominations for persons to receive this award, to be presented in five categories, were distributed. The deadline for submission is August 20.

The Friends will be announcing either October 17 or October 24 as the final date for a 5 to 7:30 PM reception/presentation.

- Ms. Tracy Foreman, a research analyst for People Consultants, was introduced as one of the volunteers working on this program, along with Mr. Jack Elliott.

Ms. Cardenas-Duncan said that the Review panel to consider and recommend nominees for the awards will be made up of three Friends Board members, two community persons, and two HRC members.

*****Commissioner named Commissioners Morrissey and Revelo to be those two HRC members on the Review Panel.

- Mission Neighborhood Economic Development Conference.

Commissioner Moulton distributed copies of the invitation/annoucement of this two-day conference, to be given August 28 and August 29 under the sponsorship of the Mayor's Mission Neighborhood Task Force and the Mayor's Office of Housing and Economic Development. The August 28 session will be at the Mission Language and Vocational School, and the August 29 session at the Fairmont Hotel Crystal Room.

- Concerns of San Francisco Labor Council Re: Woolworth's 895 Market Store.

See Communications section of these Minutes. Commissioner Rosselli asked for details of Mr. Walter Johnson's (Secretary-Treasurer of the San Francisco Labor Council who sent the Director a Mailgram on the subject) concerns. Mr. Mickins said that there are allegations of age discrimination against long-time women employees of the landmark store, located at the cablecar turnaround at Market and Powell. It is informally claimed that management at Woolworth's is treating "badly" older women employees whomit wishes to replace with younger persons, according to Commissioner Moulton.

Director Mickins, responding to Commissioner Morrissey's question as to HRC jurisdiction over a private employer, not a contractor to the City, said that under Chapter 12A, the HRC clearly has jurisdiction to study, investigate, and recommend action to ameliorate discriminatory action.

- Clemente Newball-Obregón's Son's Death.

Chairperson Wade expressed the collective condolences of the HRC to Clemente Newball-Obregón, whose son Abel de Jesus Newball, died at the age of 32 on July 20, 1985.

- Thanks to Zula Jones.

Chairperson Wade expressed her personal thanks for the followup staff work Zula Jones did on a matter of an individual complaint referred to her by the Chairperson.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, August 22, 1985 at 10:15 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

ADMINISTRATIVE	Tuesday, October 1, 1985 5:30 PM, HRC Offices Conference Room509, 1095 Market Street
COMMUNITY ADVISORY	Thursday, August 15, 1985 3:30 PM, Lurie Room Main Library, Civic Center
EMPLOYMENT	Thursday, September 5, 1985 9:30 AM 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, August 20,1985 5:30 PM-7:30 PM State Building, Room 1200 350 McAllister Street
SOCIAL ISSUES AND POLICE LIAISON	Monday, August 19, 1985 3:30 PM, HRC Offices Room 509, 1095 Market Street
YOUTH AND EDUCATION	Thursday, September 19, 1985 3:45 PM, State Building, Room 1200

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

3. Suggestions for agenda items for upcoming meetings.

4. A request to the San Francisco Police Department to provide the Committee with a list of the officers chosen for the sergeant's position, with an ethnic breakdown.

5. Concerns over the hiring and promotional practices of the Retirement Board, brought by new Committee member Geraldine Johnson of the Coalition of Black Trade Unionists

City and County of San Francisco

Human Rights Commissi
Office of Contract Complianc
Office of Dispute Resolution

RESOLUTION OF THE HUMAN RIGHTS COMMISSION OF SAN FRANCISCO

TO RECEIVE AND ACCEPT FUNDING FROM THE MAYOR'S OFFICE OF COMMUNITY DEVELOPMENT

WHEREAS, the Human Rights Commission, since 1979, has monitored all construction contracts funded by the Community Development Block Grant (CDBG), and has implemented the Fair Housing Program under Chapter 12A of the Administrative Code; and

WHEREAS, the HRC has been continuously funded since 1980 by the Mayor's Office of Community Development for contract compliance monitoring, and since 1979 for its Fair Housing Program; and

WHEREAS, the HRC's contract compliance monitoring function has been a significant factor in expanding contracting opportunity for minority and women-owned businesses in this community in the cumulative amount of over $30 million in construction contracts and subcontracts and in employment of hundreds of minorities and women in the trades; and

WHEREAS, the Fair Housing Program staff have provided counseling, assistance, and vital housing information to hundreds of individuals and families; and

WHEREAS, the HRC has submitted formal funding proposals to the Mayor's Office of Community Development for its Fiscal 1986 (January-December) in the amount of $72,224 for the contract compliance component, and $75,000 for the Fair Housing Program;

NOW, THEREFORE, BE IT RESOLVED THAT THE HRC, upon approval for these funding proposals by MOCD, receive and accept the cited funds, so that its vital contract compliance and fair housing services may continue into Fiscal 1986.

Resolution 6-85

Adopted by the HRC 8/8/85

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, August 22, 1985
Commission Room, Main Library
Civic Center

DOCUMENTS
SEP 18 [illegible]
PUBLIC LIBRARY

NEXT MEETING
Date: Thursday, September 12, 1985
Time: 10:15 AM
Place: Third Floor Commission Room
Main Library, Civic Center

ROLL CALL

Commissioners

Present: Brenda K. Wade (presiding), Samuel Chung, Joe Jung, Corrine Lee, John Morrissey, Joan Zamora Moulton, Nicerita Revelo, Rabbi Martin S. Weiner.

Excused: Phyllis Lyon, Larry Martin, Sal Rosselli, Esta Soler, George Suncin, David K. Yamakawa Jr.

Staff

Present: Grant S. Mickins, Bettye Burrell, Jack Casford, Linda Chin, Don Hesse, Ed Ilumin, Zula Jones, Clemente Newball-Obregón, Dick Norton, Gail Roberts, Mary Gin Starkweather.

Pledge of Allegiance

Meeting of Minutes of August 8, 1985 approved.

COMMUNICATIONS

- From John L. Taylor, Clerk of the Board of Supervisors, asking for the Board, on the initiative of Supervisor Bill Maher, "into the propriety of or need for guidelines for community organizations which conduct custodial care or provide significant social services to clients, obtaining informed consent for transporting those clients to public meetings for the purposes of influencing public policy, and further ensuring that no coercion or undue influence be permitted to influence their participation." See under New Matters section below for further discussion of this correspondence.

- From Mayor Dianne Feinstein, a Memorandum sent to all department heads, requesting that all departments require employees to sign-in/out either through the use of time clocks or time logs.

- From Laura Rodriguez identified in a San Francisco Chronicle story published August 10, 1985 as a "television producer of Spanish descent," a copy of her letter to the editor of the Chronicle reacting to several points made in an August 10, 1985 article by Reginald Smith Chronicle reporter. Mr. Smith was reporting on the issue of the HRC's definition of "Hispanic" as one of the protected classes for purposes of Affirmative Action. The City Attorney's Opinion that the HRC does not have the power to change this definition to eliminate persons of European Spanish descent is discussed below in these Minutes under Commissioner Joan Zamora Moulton's Social Issues and Police Liaison Committee report.

DIRECTOR'S REPORT

- MBE/WBE/LBE Ordinance First Anniversary.

Mayor Feinstein will mark the first anniversary of the City's Minority/Women/Local Business Enterprise Ordinance (Chapter 12D of the San Francisco Administrative Code) at a press conference in her office Friday, August 23, 1985, at 11 AM. All Commissioners and staff are invited to attend.

NO REPORT FROM THE CHAIRPERSON

- Special Order: Commissioners' Discussion and Comments re:

City Attorney's Opinion Number 85-17

Commissioner Moulton had expressed her disagreement with this Opinion at the HRC regular meeting August 8, 1985, and it had been set for discussion at this meeting, with the Chairperson asking that HRC staff research any documentation on the incidence of Spanish-origin persons claiming status and preference as Hispanic. One HRC staff member at this meeting reported one such contract.

Commissioner Moulton then stated that she had not understood that there would be a full discussion of this issue at this meeting. She distributed copies of a letter to her from Miller & Rodenzo, Attorneys at Law, requesting "because of the shortness of time with which to carefully analyze the Opinion of the City Attorney", on behalf of the La Raza Lawyers Association, that the HRC continue the dialogue and discussion for two months.

Commissioner Moulton said that in her opinion and that of some others in the Latino community, there is a distinction betwen discrimination and Affirmative Action in the challenge to the Hispanic definition of the HRC.

She spoke of work being done by Latinos with the County of Alameda, the City of Oakland, with BART, and the federal Office of Contract Compliance regarding this issue.

It was then

*****m/s/c that the HRC continue its consideration and discussion on the issue, and the Chairperson

*****referred it back to the Administrative Committee.

STANDING COMMITTEES

ADMINISTRATIVE
Esta Soler, Chairperson

- Gail Roberts, reporting for Commissioner Soler, said that the next meeting of the Administrative Committee will be Tuesday,October 1, 1985 at 5:30 PM in Conference Room 509, at the HRC Offices, 1095 Market.

- Resolutions Appointing Three Hearing Officers, Caryl Mezey, Norman Nickins, and James B. Tippin, Jr.

The City Attorney's Office having informed the HRC that these formal Resolutions are obligatory, it was

*****m/s/c that the HRC adopt the formal Resolutions (separately) appointing Caryl Mezey, Norman Nickins, and James Tippin, Jr., as Hearing Officers. They are attached to these Minutes.

To Commissioner Lee's inquiry, Director Mickins reported that Ms. Mezey is a White Female, Mr. Tippin a White Male, and Mr. Nickins a Black Gay Male. The Hearing Officers are appointed for one year and are paid $40 an hour. She was told members of the HRC Standing Committees may apply. Ms. Roberts stated that 57 applications have been received to date, and that they are still being accepted.

Commissioner Morrissey urged that prospective Hearing Officers be considered in terms of how much time their present occupations will permit them to conduct the required hearings on cases, and he was assured that this consideration has been made with the three just appointed.

EMPLOYMENT

Commissioners George Suncin and Corrine Lee, Co-Chairpersons

- Proposed Endorsement, by Resolution, of the Christmas Jobs for Youth Program operated by the Youth For Service.

The Christmas Jobs for Youth Program has been in operation since 1976 under Youth for Service (YFS) in conjunction with the San Francisco Retailers Community Relations Group. (SFCRG). The concepts has historically enjoyed the HRC's support dating back to 1966.

The program provides an opportunity for disadvantaged youth to obtain work experience during the Christmas season. Youth for Service conducts job search workshops at which the applicants are counseled on grooming,attitudes, speech, puctuality, and willingness to work any shift.

This program is unique in that many youth who would otherwise not be given the opportunity to earn much need money during this special season are able to bring a little extra income into their homes.

In the beginning, Youth for Service had the cooperation of the participating stores. However, store participation has dropped from 7 to 4 and the number of youths hired has dropped dramatically, from 101 to 14. The number of applicants has remained consistent at about 300 per season, underscoring the continued need for a successful program.

Youth for Service, along with the San Francisco Retailers Group Community is looking for a remedy.

Mr. Carlos Zapata, Community Outreach Specialist for Youth for Service, was introduced. He said that the program needs more participation by downtown retail stores, noting the significant drop in hires above. He said all the applicants are recruited and screened by YFS staff. They are not promised a job or assured of a particular position within a store. They are counseled on grooming, attitudes, speech, and willingness to do shift work at the discretion of the stores.

Mr. Zapata reported that the downtown retail stores still are resistant to participation in the program, which is intended to provide on-th-job training to the youth, many of whom have no previous retail work experience.

It was then

*****m/s/c (unanimously) that the HRC adopt the Resolution of Endorsement of the Christmas Jobs for Youth Program, operated by the Youth for Service in conjunction with the San Francisco Retailers Community Relations. A copy of that Resolution is attached to these Minutes.

SOCIAL ISSUES AND POLICE LIAISON COMMITTEE

Commissioners Joan Zamora Moulton and Samuel Chung, Co-Chairpersons

- Commissioner Chung was named the Co-Chairperson by Chairperson Wade at this meeting.

- Committee Report-Commissioner Moulton

1. San Francisco Police Department Temporary Appointments of Sergeants.

The Committee requested the ethnic breakdown of those persons recently temporarily appointed as sergeants, pending resolution of legal challenges to the Civil Service Commission testing procedures. Lt. Edmund Pecinovsky of the Legal Division of the SFPD, a member of the Committee, reported the appointments of: 41 Males and 8 Females, broken down as 38 Whites, 6 Blacks, 4 Hispanics and 1 Asian.

2. Kanjobal Indians (from Guatemala).

Commissioner Moulton displayed a copy of a San Francisco Examiner article published August 18, 1985 about this tribe of refugee Indians working on farms in the San Joaquin Valley of California. She said that the Committee was writing to commend the Iroquois Nation for reportedly considering formally inducting these Indians in order to counteract their illegal alien status.

- She said she intended later to ask the HRC to do the same thing. She was asked to have a draft of such a letter prepared by staff.

3. Retirement Board Appointment Controversy.

Commissioner Moulton displayed a copy of a newspaper article brought to the Committee by Geraldine Johnson, of the Coalition of Black Trade Unionists, regarding controversy over appointment of an Actuary by the Retirement Board. The article appeared in the San Francisco Examiner July 15, 1985.

Ms. Johnson is to confer with Committee staff to document what action she is requesting by it and possibly the HRC.

4. Intergroup Clearinghouse

Commissioner Moulton met recently with Ms. Rita Semel, Chairperson of the Intergroup Clearinghouse, and Michael Goldstein, its Executive Director. The Commissioner said the I.C. no longer uses that designation, but calls itself Dispute Resolution.

She said that the Social Issues and Police Liaison Committee will work closely with the other organization, with Mr. Goldstein a member of the Committee, and Julia Nichols the Committee's representative to his group.

The Commissioner said that Ms. Semel had been emphatic in stating that her organization is not part of the HRC, which acts only as its fiscal agent.

5. City Attorney's Opinion re: Hispanic Definition.

Copies of this Opinion were circulated to the Committee for its information and reaction.

6. Workfare (AB 2580) Bill.

Concerns about the far-reaching effects of this bill, co-sponsored by Assemblyman Art Agnos, were brought to the Committee, which has taken them under review. The Committee will be asking for a presentation on the pros and cons of the measure, and may recomend HRC presentation and/or action at a later date.

NEW MATTERS

- Informed Consent Concerns of Supervisor Maher.

Commissioner Morrissey asked Director Mickins the particulars of this inquiry (see Communications section of these Minutes) on behalf of Supervisor Maher, and its ramifications to the HRC.

The Director said apparently a number of persons (ethnic minorities and elderly citizens) had been transported by a community organization en masse to public meetings to influence public issues, and that there had been questions as to this procedure. The HRC, he said, does, under Chapter 12A, have jurisdiction if there is any allegation of unfair treatment of these protected classes in the process.

HOUSING AND URBAN DEVELOPMENT

Commissioners John C. Morrissey and Joe Jung, Co-Chairpersons

- Committee Report

The Committee met recently andis considering the following issues:

1. A report to be made to the HRC regular meeting September 12 on a study of discrimination in Tenderloin residential hotels.
2. The development of facilities on the site of the former International Hotel.
3. Interest in housing for the elderly in Chinatown.

REMARKS FROM THE AUDIENCE

- William O'Keefe.

Mr. O'Keefe, a retired contractor, whose wife is of Korean ancestry, recounted his displeasure with a recent Director's determination issued by Mr. Mickins that the firm known as Minority Construction Corporation is not a bona fide minority-owned firm. HRC staff had investigated the firm for some time before the Director made his determination. Mr. O'Keefe said that he was providing technical assistance to his wife, who is named as owner and operator of the company, and holds, he said, all of the stock.

Director Mickins reported on his determination and on discussion with Mr. and Mrs. O'Keefe. He said that Mrs. O'Keefe has no construction background or experience.

The Director reported Mr. and Mrs. O'Keefe may appeal his determination to Superior Court if they wish to charge it is an arbitrary one.

Commissioner Morrissey explained to Mr. O'Keefe the vigilance the HRC must maintain to detect and defer so-called minority-owned firms seeking certification as "fronts" for majority-owned firms.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, September 12, 1985, at 10:15 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

ADMINSTRATIVE	Tuesday, October 1, 1985 5:30 PM, HRC Office
COMMUNITY ADVISORY	Thursday, September 19, 1985 3:30, Lurie Room, Main Library Civic Center
EMPLOYMENT	Thursday, September 5, 1985 9:30 AM 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced

STANDING COMMITTEES (cont'd)

LESBIAN/GAY ADVISORY	Tuesday, September 17, 1985 5:30 -7:30 PM State Building, Room 1200 350 McAllister Street
SOCIAL ISSUES AND POLICE LIAISON	Monday, September 16, 1985 3:30 PM, HRC Offices, Room 509 1095 Market Street
YOUTH AND EDUCATION	Thursday, September 19, 1985 3:45 PM, State Building, Room 1200 350 McAllister Street

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

Attachment #1

City and County of San Francisco

Human Rights Commiss
Office of Contract Complianc
Office of Dispute Resolution

RESOLUTION

Appointment of Caryl Mezey

HRC Hearing Officer

WHEREAS, the Human Rights Commmission has established the position of Hearing Officer to preside over administration hearings on behalf of the Human Rights Commission; and

WHEREAS, Caryl Mezey has the prerequisite knowledge and experience to be a Hearing Officer as determined by the HRC Selection Panel;

NOW, THEREFORE, BE IT RESOLVED THAT the Human Rights Commission hereby appoint Caryl Mezey as a Hearing Officer.

Resolution 7-85
Adopted by the HRC 8/22/85

STANDING COMMITTEES (cont'd)

LESBIAN/GAY ADVISORY Tuesday, September 17, 1985

Attachment #2

City and County of San Francisco

Human Rights Commissi
Office of Contract Complianc
Office of Dispute Resolution

RESOLUTION

Appointment of Norman Nickens

HRC Hearing Officer

WHEREAS, the Human Rights Commission has established the position of Hearing Officer to preside over administration hearings on behalf of the Human Rights Commission; and

WHEREAS, Norman Nickens has the prerequisite knowledge and experience to be a Hearing Officer as determined by the HRC Selection Panel;

NOW, THEREFORE, BE IT RESOLVED THAT the Human Rights Commission hereby appoint Norman Nickens as an Hearing Officer.

Resolution 8-85

Adopted by the HRC 8/22/85

STANDING COMMITTEES (cont'd)

LESBIAN/GAY ADVISORY — Tuesday, September 17, 1985

Attachment #3

City and County of San Francisco

Human Rights Commissio
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION

Appointment of James B. Tippin, Jr.

HRC Hearing Officer

WHEREAS, the Human Rights Commission has established the position of Hearing Officer to preside over administration hearings on behalf of the Human Rights Commission; and

WHEREAS, James B. Tippin, Jr. has the prerequisite knowledge and experience to be a Hearing Officer as determined by the HRC Selection Panel;

NOW, THEREFORE, BE IT RESOLVED THAT the Human Rights Commission hereby appoint James B. Tippin Jr. as a Hearing Officer.

Resolution 9-85

Adopted by the HRC 8/22/85

15) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

STANDING COMMITTEES (cont'd)

LESBIAN/GAY ADVISORY Tuesday, September 17, 1985

Attachment #4

City and County of San Francisco

Human Rights Commissi
Office of Contract Complianc
Office of Dispute Resolution

RESOLUTION OF THE HUMAN RIGHTS COMMISSION
OF SAN FRANCISCO
ENDORSING THE CHRISTMAS JOBS FOR YOUTH PROGRAM

WHEREAS, the Christmas Jobs for Youth Program has been in operation since 1976 under Youth for Service (YFS) in conjunction with the San Francisco Retailers Community Relations Group (SFRCRG); and

WHEREAS, the program provides an opportunity for disadvantaged youth to obtain work experience during the Christmas season; and

WHEREAS, the program is unique in that many youth who would otherwise not be given the opportunity to earn much needed money during this special season are able to bring a little extra income into their homes; and

WHEREAS, in recent years there has been a significant drop in store participation from 7 to 4 and the number of youths hired has dropped dramatically from 101 to 14 while the number of applicants has remained consistent at about 300 per season, underscoring the continued need for a successful program;

NOW, THEREFORE, BE IT RESOLVED that the San Francisco Human Rights Commission endorse the Christmas Jobs for Youth Program and urge increased store participation and a cooperative relationship between Youth for Service and San Francisco Retailers Community Relations Group in order to make the Christmas Jobs for Youth Program a success.

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Resolution 10-85

Adopted by the HRC 8/22/85

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, September 12, 1985
Commission Room, Third Floor
Main Library, Civic Center

NEXT MEETING
DATE: Thursday, September 26, 1985
TIME: 10:15 AM
PLACE: Commission Room Third Floor
Main Library, Civic Center

DOCUMENTS DEPT.
SEP 23 1985
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PUBLIC LIBRARY

ROLL CALL

Commissioners:

Present: Brenda Wade (presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, John C. Morrissey, Joan Zamora Moulton, Nicerita Revelo Sal Rosselli, Esta Soler, David Yamakawa Jr.

Excused: George Suncin, Rabbi Martin S. Weiner.

Staff

Present: Grant S. Mickins, Beatrice Cardenas-Duncan, Jack Casford, Linda Chin, Don Hesse, Ed Ilumin, Stanley Lim, Gail Roberts, Mary Gin Starkweather.

Pledge of Allegiance

Minutes of the Meeting of August 22, 1985 approved, with the following changes:

-Page 1 - under COMMUNICATIONS, Paragraph Three: last sentence. The Commissioner said that her recollection of the City Attorney's Opinion was that it simply said the HRC did not have the power to change the definition, and she asked that the clause "to eliminate persons of European Spanish descent" be deleted.

-Page 2, under Special Order: Commissioners'Discussion and Comments re:

City Attorney's Opinion Number 87-17,

At the request of Commissioner Moulton:

Paragraph Three, first sentence, delete the clause "and that of some others in the" so the sentence reads: "Commissioner Moulton said that in her opinion in the Latino community there is a distinction between discrimination and Affirmative Action in the challenge to the Hispanic definition of the HRC."

COMMUNICATIONS

- A copy of a Resolution of Commendation, voted July 20, 1985, by the Executive Committee of the California Association of Human Rights Organizations (CAHRO), to the San Francisco HRC and the Human Relations Commission of San Mateo County for co-sponsoring the Twelfth Annual Conference of the CAHRO on May 30, 31, and June 1, 1985, in San Francisco.

- From Rosana Madrigal, KNBR Public Affairs, to Bea Duncan of the HRC staff, thanking her for agreeing to participate on The Latino Community Report, a public affairs program heard Sundays at 6:55 AM on KNBR Radio 68.

- From Martin C. Thompson, Chief of Bureau, Associated Press, a copy of a letter to Supervisor Nancy G. Walker, regarding a telephone call and remarks attributed to an Associated Press news editor August 16. Mr. Thompson said the disputed call was a hoax.

- From Rusty Kennedy, Executive Director, Orange County Human Relations Commission, requesting a copy of a summary Director Mickins was to make of the International Association of Human Rights Organizations conference in July in Chicago. Mr. Kennedy said the Orange County HRC is planning to co-host the CAHRO conference next year.

- From Mayor Dianne Feinstein, informing that Monday, September 9, 1985 was designated as a day of special tribute to City workers at the San Francisco Fair and Exposition.

- To Ms. Mary Jansen and Mr Roger Shipley, Business Representatives of Department Store Employees' Union Local 1100, a response to Mr. Walter L. Johnson's expressed concerns regarding labor conditions for employees at the F.W. Woolworth Company Store #64, at 895 Market Street, and requesting certain HRC actions. Mr. Johnson is Secretary-Treasurer of the San Francisco Labor Council.

- From Mayor Feinstein, informing that the HRC Request for Funding under 1986 Community Development Program is recommended for funding in the Preliminary Proposal for $63,000 for the Fair Housing Program, and $60,000 for the Contract Compliance Monitoring Unit. See fuller discussion below under Director's Report.

- From Donald McKinley Clark, President,California Veterans Coalition Inc., soliciting purchase of a Management Assistance guide.

DIRECTOR'S REPORT

- Office of Community Development Block Grant Funding for 1986.

See Communications Section above for referral to the Mayor's September 3, 1985 letter announcing that the HRC Request for Funding under the 1986 Community Development Program (federally-supported totally) is recommended for funding in the Preliminary Proposal for $63,000 for the Fair Housing Program and $60,000 for the Contract Compliance Monitroing Unit, or $123,000 total. The HRC's 1985 grant was $147,000.

The HRC has been providing Affirmative Action monitoring for housing contracts and operating a Fair Housing Program through two staff positions under the OCD program for approximately five years.

The Director said that the impact of the cut as projected would mean the loss of possibly both staff positions. He said that the Mayor has announced that no City General Fund monies can be appropriated to make up the cut in the federal support for these programs.

The recommendations, the Mayor reported, are tentative. The Citizens Committee on Community Development will conduct a public hearing on the Preliminary Proposal September 17, 1985 (Tuesday) at 7 PM in City Hall. The City's Block Grant in 1986 is anticipated to be $17.7 million, or 17% less than in 1985. Mr. Mickins said that the recommended cuts also would be considered by the Board of Supervisors in October.

In round-the-table discussion of this situation, it was stressed by the Director that the HRC has fully documented its achievements in Affirmative Action, contract monitoring, and the operation of its Fair Housing Program (see report below on the audit of residential hotels).

It was then

******m/s/c (unanimously) that the HRC write a formal letter of protest about the announced projected cut in its OCD Block Grant funding for 1986, and that it document statistically and narratively its record of achievements under its staff mandate.

- Mayor's Press Conference---First Anniversary of Chapter 12D.

The First Anniversary of the Minority/Women/Local Business Enterprise Ordinance (Chapter 12D of the City Administrative Code) was marked by public recognition of its architects (including the Coalition of Economic Equity, the Black Chamber of Commerce, the Human Rights Commission, and Supervisors Doris Ward and Willie Kennedy) by the Mayor at an August 23, 1985 press conference in her office in City Hall. A number of HRC members and staff plus community people attended.

NO REPORT FROM THE CHAIRPERSON

STANDING COMMITTEES

HOUSING AND URBAN DEVELOPMENT

Joe Jung, John C. Morrissey, Co-Chairpersons

- 1985 Residential Hotel Audit: Results and Recommendations-Don Hesse.

Highlights of a 10-page written report on this audit were described to the Commissioners. In June and July of this year, the Fair Housing Program residential hotels (called SRO---single-room occupancy) in the North of Market and South of Market areas of San Francisco.

Two professional testers---two males, one White and one Black, with mutual experience in this work of approximately six years---who were paid $120 a day under a sub-contract with Operation Sentinel, a Fair Housing program of the Stanford-Mi Peninsula Urban Coalition, performed the audit in the field. The total cost of the audit was $400.00

The speaker noted that the HRC's Fair Housing Program, operated for approximately five years (see Director's Report section of these Minutes), has included the handling of housing complaints, technical assistance to tenants, landlords, and community groups, and periodic housing audits.The latter have been done under controlled circumstances, limiting them to specific geographic areas of the City, to certain aspects of housing (real estate sales, rentals to low-income people, etc.). They test fair housing cases by determining if discrimination is a factor.

In this most recent survey, the purposes were four-fold, the report shows:

1. To determine the scope of discrimination in rental housing that still exists in San Francisco.

2. To demonstrate the principal investigate tool of the HRC's Fair Housing Program.

3. To educate the affected populations to the means by which housing discrimination can be remedied through legal means.

4. To collect evidence for enforcement actions by state and local agencies.

The testers, or "checkers" in this audit were given similar biographies (under $900 a month; living alone---reason given----; blue-collar work history, etc), and they visited 42 hotels in the given areas, applying for a rented room separately, fifteen minutes apart, and noting whether there were any instances of discriminatory practices. Thirty-three of the hotels produced material for the audit.

The area chosen was selected because the HRC had conducted two previous audits in the area (in 1980 and 1981), offering the opportunity to measure change.

The report draws the following conclusions from the audit:

- The most common form of discrimination is quoting higher rents to one applicant to discourage or exploit tenancy.
- The form of discriminatory behavior is changing; past audits have indicated that 70-90% of discrimination takes the form of denying that a vacancy exists to one tester. Different

terms and treatment accounted for only 7-8% of discrimination in the past.

- Of the 11 buildings in which no discrimination was indicated, six were recipients of public funds.

- Of the 7 buildings receiving public funds which were open to the general public, only one showed any discriminatory treatment and that one instance is inconclusive.

- Of the 9 hotels which had complaints filed against them in 1981, 3 showed no signs of discrimination at all. Of the remaining 6, only one denied that a vacancy existed to the Black tester. In 1980, all 9 had denied that a vacancy existed to the Black tester.

- In three instances, the White tester was told that no vacancy existed, while the Black tester was told that vacancies did exist.

- The percentage of hotels showing no sign of discrimination at all has increased from 19% to 33% since 1980.

It was then

*****m/s/c to accept the 1985 Residential Hotel Audit: Results and Recommendations.

The recommendations of the report include:

-----followup immediately by Fair Housing staff with additional tests for hotels that discriminated, or denied housing was available when it was, and, based on the results, filing of complaints with the State Department of Fair Employment and Housing. The San Francisco District Attorney's Office has also agreed, the report said, to review the facts to determine what role if any they will have about bringing complaints.

-----HRC staff will write each hotel audited, advise of the report/audit findings, and offer training and educational materials.

-----Audit results to be disseminated to the media to increase public awareness of the presence and nature of discrimination in San Francisco in 1985.

-----A broader audit to be conducted in the Fall, aimed at other housing sectors in the City, as well as other minority groups. Reportedly, there was a Hispanic housing discrimination survey conducted recently in Redwood City.

#######################

FRIEND OF THE HUMAN RIGHTS COMMISSION
Earl Raab, Chairperson

Awards of Merit Breakfast Plans -Beatrice Cardenas-Duncan

The Friends will sponsor this event on Thursday, October 24, from 8 to 9:30 AM at the San Franciscan Hotel, Market and Eighth Street. Breakfast will be served and the individual ticket charges begin at $12, with the personal option to purchase tickets at $15, $20, $25, and $50 each.

Ms. Cardenas-Duncan announced that the Review Panel to consider and choose recipients in five categories (labor, business, community service, government, and arts and entertainment) will meet Thursday, September 19, 1985 at 5:30 PM at the HRC offices at 1095 Market Street. That panel is chaired by Commissioner David K. Yamakawa Jr., and includes Commissioners

Nicerita Revelo and John C. Morrissey, plus Jane Morrison and Annette Harris. Commissioners Martin and Rosselli were asked to name someone from the labor community to serve on that panel.

Twenty-five corporations will be solicited for contributions of from $100 to $500 as support for this event. Guidelines and other basic information will be mailed to all Commissioners.

Mayor Feinstein has been invited to present the Awards.

Chairperson Wade commended Ms. Cardenas-Duncan for her work in planning this first-time public recognition event.

- Public Forum for Women-Owned Businesses.

As part of its continuing implementation of the Minority/Women/Local Business Enterprises Ordinance, the HRC will sponsor an outreach Public Forum for Women-Owned Businesses on Wednesday, October 2, 1985, from 8:30 AM to Noon. The event will be held at the Bank of American Auditorium, 555 California Street, Concourse level, in San Francisco.

A panel of women experts in the field,including representatives from such major City departmental contracting departments as Public Health, City Planning the San Francisco International Airport, and City Purchasing will lead the discussions.

There is no charge for attendance. Ms. Cardenas-Duncan may be contacted for further information at the HRC offices.

SOCIAL ISSUES AND POLICE LIAISON

Samuel Chung, Joan Zamora Moulton, Co-Chairpersons

- Committee Report. Commissioner Moulton.

AB 2580 (the so-called "workfare" legislation, proposed by Assemblymen Art Agnos and Ernest Konnyu, et al.) reportedly will not be brought to action in the current Session of the State Legislature, which ends September 13, 1985. The Committee has, therefore, cancelled a planned presentation on the pro and con sides of the issue at its upcoming September 16, 1985 meeting. The Legislature will re-consider the legislation, which has to date garnered more than 20 pages of amendments, in the Session beginning in January. The Committee will schedule these presentations accordingly.

Letter to Iroquois Confederacy Regarding Kanjobal Indians.

Commissioner Moulton had noted this issued at the HRC meeting of August 22, and announced she would be bringing a recommendation for HRC action to this September 12 meeting.

The Commissioner had seen a San Francisco Examiner article August 18, 1985 about a tribe of refugee Indians working on farms in the San Joaquin Valley of California. The Committee, on her recommendation, sent a letter commending the Iroquois Confederacy, based in New York State, for its reported consideration of inducting these Kanjobales in order to prevent their deportation from the U.S. A draft of a proposed HRC letter expressing the same commendation was provided the Commissioners in their meeting packets and it was

*****m/s/c (Commissioner Morrissey voting No; all other Commissioners present voting Yes) that the HRC write to the Iroquois Confederacy commending it for its possible assistance to the Kanjobales in the U.S.

NO NEW MATTERS

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, September 26, 1985 in the Third Floor Commission Room of the Main Library in the Civic Center at 10:15 AM.

STANDING COMMITTEES

ADMINISTRATIVE:	Tuesday, October 1, 1985 5:30 PM, HRC Offices
COMMUNITY ADVISORY:	Thursday, September 19, 1985 3:30 PM, Lurie Room, Main Library, First Floor Civic Center
EMPLOYMENT:	Thursday, October 3, 1985 9:30 AM 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, September 17, 1985 5:30-7:30 PM State Building, Room 1200 350 McAllister Street
SOCIAL ISSUES AND POLICE LIAISON	Monday, September 16, 1985 3:30 PM, HRC Offices, Room 509 1095 Market Street
YOUTH AND EDUCATION	Thursday, September 19, 1985 3:45 PM , State Building, Room 1200 350 McAllister Street

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, September 26, 1985
Commission Room, Main Library
Civic Center

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NEXT MEETING
Date: Thursday, October 10, 1985
Time: 10:15 AM
Place: Third Floor Commission Room
Main Library, Civic Center

ROLL CALL

Commissioners

Present: Brenda Wade (presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, John C. Morrissey, Joan Zamora Moulton, John Moylan, Nicerita Revelo, Esta Soler, George Suncin, Martin S. Weiner, David K. Yamakawa Jr.

Commissioner John J. Moylan was sworn in by Mayor Feinstein on September 24, 1985. He succeeds Commissioner Ambrogi, who resigned in June.

Excused: Commissioner Sal Rosselli

Staff

Present: Grant S. Mickins Beatrice Cardenas-Duncan, Jack Casford, Eileen Gillis, Don Hesse, Zula Jones, Richard Norton, Pansy Ponzio Waller, Gail Roberts, Mary Gin Starkweather, Jackie Winnow.

Sue Steiner, a candidate for a Masters of Social Work degree from San Francisco State, was introduced. She is working on projects for the Lesbian/Gay Advisory staff in the office three days a week.

Kevin Williams, who has joined the HRC staff as a Contract Compliance Representative, was introduced. He will be performing contract compliance work with architects and engineers.

Pledge of Allegiance

Minutes of the Meeting of September 12, 1985 approved.

COMMUNICATIONS

- From Mayor Feinstein, a Memorandum to All Department Heads, asking each to identify ways in which to increase department revenues for Fiscal Year 1986-87.

- From Mayor Feinstein, a letter appointing John J. Moylan as a member of the HRC, succeeding and completing the term of Commissioner Thomas Ambrogi. Commissioner Moylan was sworn in by the Mayor at a ceremony in her office attended by members of the HRC and its staff on September 24, 1985.

- From Gail W. Jesswein, Chief, State Division of Apprenticeship Standards, providing information on a certificate of exemption (from apprenticeship ratio standards) granted to a City contractor.

- From Mike Garza, President, Mexican-American Political Association, requesting a meeting with Director Mickins regarding appointments following testing for the position of Human Rights Commission Coordinator.

- To Mike Garza, from Director Mickins, a response to the above, stating that "...it would be a serious impropriety and abuse of discretion to publicly discuss the pending appointment process...", and assuring him that since receipt of his letter..."interim efforts...have precluded an immediate lay-off within the class of Coordinator."

- From Cecil Williams, Chairperson, Martin Luther King, Jr. Birthday Observance Committee, advising Director Mickins that the committee will meet on September 27, 1985, at 9:30 AM at Third Baptist Church, 1499 McAllister Street. The HRC's Social Issues and Police Liaison Committee is in the process of preparing appropriate recommendations for HRC participation.

- To Ms. Linda Sophronia-Nicola, Affirmative Action Taskforce, Bay Area Chapter, American-Arab Anti-Discrimination Committee, a response to her request for establishment of Arab-Americans as a separate protected minority class.

- From Albert Thomas, Account Executive, Merrill Lynch, Pierce, Fenner & Smith Inc., inviting Director Mickins to a seminar sponsored by the Minority Contractors Association of Northern California and hosted by Merrill Lynch on October 4, 1985 at 10 AM at the Oakland offices of Merrill Lynch, located on the 24th floor of the Ordway Building, at One Kaiser Plaza.

- From Mayor Feinstein, re-appointment letters to: Commissioners Sal Rosselli, Joe L. Jung, and George A. Suncin. Their swearing-in ceremonies will be set in the near future.

DIRECTOR'S REPORT

- Finance Committee and the HRC Budget.

The HRC, like all City Departments, has been requested to provide the Finance Committee, at an October 3, 1985 appearance before it, with plans for a 5% cut in the allotted budget for Fiscal Year 1985-86, to be set aside and restored to the City. Estimates of the financial shortfall for the City next year range up to $75 million.

The Director commented that the HRC is funded currently for what he called a "bare-bones budget", and that any cut would be very severe on its mandated responsibilities. He said that each HRC member will shortly be receiving a report on its budget status by mail from the Office Manager. He said also that no FY 1985-86 funds have been released, though that period began July 1, 1985, and that the City is withholding 2.5% of the budget prior to the October 3 hearing.

- Fee Schedule Inquiry.

To Commissioner Morrissey's inquiry, the Director advised that the HRC's Fee Schedule for Construction Contracts, adopted July 26, 1984, has been submitted to two City departments, the Parking Authority, and the Mayor's Office of Housing and Economic Development, and that they have agreed to comply with it.

All departments, except those already funding the HRC through some form of interdepartmental work order, are being asked to use this Fee Schedule.

LESBIAN/GAY ADVISORY

Phyllis Lyon, Sal Rosselli-Co-Chairperson

- Approval of Recommendations for HRC to Meet the Challenge of the AIDS Priority.-Commissioner Lyon.

Commissioner packets contained a narrative statement on these Recommendations from the L/GAC. There are six recommendations. Under the fifth (AIDS as a top priority of the HRC) four specific staff and Standing Committee actions are recommended.

Commissioner Lyon said that since AIDS discrimination covers so many areas of HRC concern, which include housing and employment, that the expertise and cooperation of the Housing and Urban Development, Employment, Youth and Education, and Social Issues and Police Liaison Committees were particularly important.

She noted that AIDS was named by the Commission in January as one of the five top priorities for HRC action and involvement for the calendar year.

Asked by Commissioner Morrissey what the staff experience has been with the extent of complaints about discrimination, Eileen Gillis was invited by Commissioner Lyon to report. Ms. Gillis said that since July 1, staff (herself and Jackie Winnow) have received 20 formal complaints of discrimination because of AIDS. Eighty percent have been in the area of employment. Approximately twenty-five to fifty percent of staff time, she said, is being spent on AIDS-connected problems. The informal complaint caseload is much higher. Staff are involved, Ms. Gillis said, in technical assistance, in outreach and public education, and other activities, in addition to caseload followthrough.

There were individual comments on the aspect of public fears and misconceptions growing out of publicity about AIDS.

Later in the meeting, after discussion on a proposed AIDS ordinance and the HRC priorities adopted in January, it was

****m/s/c to adopt the Recommendation to Meet the Challenge of the AIDS priority. The vote was unanimous. The Recommendations are:

1.) The HRC should aid in the passage of AIDS discrimination legislation.(AIDS legislation was to have been introduced to the Board of Supervisors' Human Services Committee on September 26 by Supervisor Britt's office). The HRC's Director, and staff have been meeting with Supervisor Britt's office in drafting the legislation and the HRC is named as the administrative agency in the bill.

2.) The various aspects of AIDS discrimination should be HRC's primary concern when addressing AIDS.

3.) HRC public hearings are necessary to look into the range of problems being incurred due to AIDS discrimination, e.g., insurance, housing, employment, health services, legislation, ethnic minorities and provision of services to Third World communities, educational institutions, blood tests and confidentiality, and children's rights.

4.) Research into these issues needs to be conducted, responses formulated, and action taken by the HRC.

5.) Because AIDS is a top priority of the HRC, and covers broad-based areas, more than two staff members and one committee need to be actively involved; therefore,

   a. existing staff need to be reassigned to involve themselves in the AIDS crisis, especially regarding their area of expertise, e.g., housing, youth, etc.

   b. new staff need to be added, particularly to do AIDS-based discrimination complaints and education regarding discrimination issues and their amelioration. This is particularly important in light of proposed legislation which mandates the HRC directly as one of the enforcing departments.

   c. all of the HRC Standing Committees should consider AIDS as a priority of their committee and address the relevant issues, e.g., housing problems for the Housing Committee, employment issues for the Employment Committee, social issues for the Social Issues/Police Liaison Committee, etc.

   d. in order to coordinate and not overlap the AIDS work of the various committees, an AIDS networking group made up of 1 or 2 representatives of each committee should be formed.

6.) Due to the seriousness of the disease and the questions people have, AIDS educationals should be planned for the commissioners, the staff, and each Standing Committee.

- Proposed Letter to Dean of Stanford University Law School Regarding Openly Gay Discriminatory Recruiters-Commissioner Lyon.

The draft of this proposed letter was provided to the Commissioners in their meeting packets. It refers to a memorandum dated May, 1985, from

John Hart Ely, Dean, Stanford Law School, concerning discrimination based on sexual orientation. The HRC proposed letter asked Dean Ely to reconsider his policy, which, the HRC letter says, "..support employers who are acting illegally according to the 1979 California Supreme Telegraph."

Dean Ely is queried about his "...policy of not barring employers who discriminate on the basis of sexual orientation...",and Commissioner Lyon explained that the memorandum had been in response to law students' concerns about private and public agencies and organizations which discriminate against persons on the basis of sexual orientation recruiting law students at Stanford.

Jackie Winnow, of the L/GAC staff, was asked to respond to Commissioner concerns about the lack of a copy of the disputed Dean Ely memorandum present or attached to the proposed letter. She expressed regret at this oversight. She pointed out that Hastings and Boalt Hall law schools currently have policies that preclude agencies and organizations that discriminate on the basis of sexual orientation from recruiting in their respective schools. Commissioner Morrissey and Weiner asked that they might have copies of these policies as well as the Dean Ely memorandum.

After protracted discussion, and after a motion by Commissioner Morrissey to table adoption of the proposed letter from the HRC to Dean Ely failed for lack of a second, it was

****m/s/c that the HRC approve the sending of the proposed letter to Dean John Hart Ely of the Stanford Law School as drafted by the Lesbian/Gay Advisory Committee. The copy attached to these Minutes also includes a copy of the Dean Ely memorandum it responds to.

- Commissioner Morrissey said he wished the record to show that the "the HRC is voting on something it hasn't seen" (the Dean Ely memorandum of May, 1985).

Commissioner Lyon stated that in the future the Lesbian/Gay Advisory Committee would be scrupulous in providing all background material of this nature.

- Recommended Endorsement of Proposed AIDS Discrimination Ordinance, Article 38 of the San Francisco Municipal Code---Dana Van Gorder, Legislative Aide to Supervisor Harry Britt (author of the proposed Ordinance).

Commissioners were provided copies in full of the Draft Ordinance adding Article 38, with a memorandum from Commissioner Rosselli noting that the Human Services Committee of the Board of Supervisors was to hold a public hearing, September 26. It was announced at this meeting, however, that the Committee meeting had been cancelled. The Lesbian/Gay Advisory Committee, staff, and the Director have lent input to the proposed Ordinance.

Since the HRC is named as the major administrative agency in the proposed Ordinance, and the increased workload would fall on an "already-overworked staff", a resolution is included to provide monies for a full-time HRC staffperson, office space, and educational materials.

Mr. Van Gorder reported that the proposed Ordinance has not been approved by the City Attorney, who has submitted instead a "radically-different" version. He said it was hoped that the Human Services Committee can be called to a special hearing (its next scheduled regular meeting is October 26) within two weeks.

Mr. Van Gorder said that a separate AIDS Discrimination Ordinance was felt necessary because present protections legislation does not address medical issues. He noted also that the City Attorney has suggested that the AIDS factor be an amendment to Article 33 (the Sexual Orientation discrimination Ordinance presently in force).

As worded by Commissioner Weiner, it was then*******m/s/c (unanimously) that the HRC go on record as sensing grave urgency for the (proposed) legislation (Article 38, the AIDS Discrimination Ordinance) and looking upon it favorably, but postponing a formal vote until it can study the final form of it.

Commissioner Moulton expressed her concern that the HRC be seen in the community as taking a stand for a separate Ordinance.

To Commissioner Morrissey's inquiry why current legislation is not adequate to protect, under the sexual orientation and disability category, persons discriminated against because of AIDS, Mr. Van Gorder reiterated that present statutes do not expressly include medical conditions, nor can it be applied in the kinds of "subtle" situations now being found in AIDS discrimination problems. While the State has adopted legislation protecting people on the basis of medical conditions, in the opinion of many attorneys, that legislation cannot necessarily be so broadly construed to include AIDS.

Commissioner Yamakawa noted that both current and former/recovered cancer patients are protected by State legislation, and pointed out that the Britt proposed Ordinance covers "anyone who....is believed to be at risk for such a (medical) condition no or at any time in the future."

Commissioner Chung expressed his support for a separate (Article 38) of the Muncipal (Police) Code.

Commissioner Morrissey questioned Mr. Van Gorder regarding the impact of any of the proposed legislation on situations involving children in schools who may be AIDS victims, citing the controversy in New York State over a child/student being barred by school officials from attending regular classes. Mr. Van Gorder said it was hoped that the San Francisco Unified School District would be sensitive to this issue and would come up with a policy to cover it. He noted that State Superintendent of Schools Bill Honig recently was quoted as saying he saw no reason that school children with AIDS should be barred from attending regular classes. He pointed out that the proposed legislation, in Section 3802, Unlawful Practices,

7. Educational Institutions. includes in prohibitions against discrimination, anyone from being admitted to any "educational institution or the availability or provision of any facility, service or program offered by an educational institution."

The HRC then re-affirmed vocally passage of the earlier Motion (above) postponing action on endorsement of the proposed AIDS Discrimination Ordinance, underlining grave concern for the need for it,

- Committee Membership.

Four persons, two men and two women, have recently joined the Committee, Commissioner Lyon announced. They are: Tony Henry, Executive Director, American Friends Service Committee; Marcy Rein, journalist, Frontline: Shelia Coughlin, childcare administrator; and Darrell Yee, architect and San Francisco AIDS Fund activist.

YOUTH AND EDUCATION

Rabbi Martin S. Weiner/Nicerita Revelo, Co-Chairperson

- Committee Report.

At the regular meeting September 19, 1985, new Acting Superintendent of School Carlos Cornejo sent his Administrative Assistant, Barbara Karvelis, to discuss a number of issues that have concerned the Committee in the past, as well as those upcoming.

- Luncheon for Beatrice Cardenas-Duncan.

The Co-Chairpersons and members of the Committee will honor Beatrice Cardenas-Duncan at a reception Saturday, September 28, 1985, at 7 PM. The event, which will be at the home of Commissioner Revelo, 37 Sheldon Court, honors Ms. Cardenas-Duncan for her service as a staff member of the HRC. RSVPs may be made to Commissioner Revelo at 564-3741

SOCIAL ISSUES AND POLICE LIAISON

Joan Zamora Moulton, Samuel H. Chung, Co-Chairpersons

- Committee Report.

1. Individual members of the Committee are being asked their interest in serving as members of the AIDS subcommittee to work cooperatively with the Lesbian/Gay Advisory Committee as recommended.

2. The Ad Hoc Committee on the Concerns of the Latino Community is requested to continue its activities. Chairperson Wade had asked Co-Chairperson Moulton if the Ad Hoc Committee (also called the Special Task Force on Hispanic Concerns) could defer its work until the Social Issues and Police Liaison Committee completed its report and recommendations to the full HRC.

Commissioner Moulton said that the SI/PL Committee will continue its work on this area, with the understanding that the emphasis will be on the Hispanic/Latino community and its issues and concerns.

3. Commissioner Moulton said the Committee wished the Youth and Education Committee to name a date when a joint meeting can be held for discussion of a number of mutual interests.

4. Bilingual education should be a continuing concern of the Youth and Education Committee, the Commissioner said.

SPECIAL ITEM

- Report from the Friends of the Human Rights Commission. Beatrice Cardenas-Duncan.

The first annual HRC Awards of Merit will be presented at a formal breakfast on Thursday, October 24, 1985 at 8:30 AM at the San Franciscan Hotel to:

1. Walter L. Johnson , in the category of service in Labor. Mr. Johnson is Secretary-Treasurer of the San Francisco Labor Council.

2. Al Repato, in the category of service in Business. Mr. Repato is Community Relations Area Manager, Pacific Bell. He is Adviser to Corporate Action in Public Schools of the Filipino-American Council Training Center, a member of Youth for Service, and is active with Seniors of the Tenderloin.

3. Belva Davis, in the category of Arts and Entertainment. Ms. Davis is Urban Affairs Director of KRON-TV.

4. In the category of Community Service there are two honorees:

- Helen Marte Bautista,active in providing educational opportunities to the Filipino community and other various community groups.

- Sandy Ouye Mori, Director of Kimochi Home, a residential facility for Japanese elderly, and a member of various community groups involved in service to senior citizens and youth.

5. Officer Art Tapia, in the category of Government Service. Mr. Tapia is a member of the Police Community Relations Unit, and has long experience in working with youth of San Francisco. He is President of the Board of Directors of Coleman Advocates for Children and Youth.

Ms. Cardenas-Duncan, who has been staff coordinator for the planning of this event, thanked Commissioners Yamakawa, Revelo, and Morrissey (Yamakawa as Chairperson) of the Review Panel for their contributions, and the work ofJane Morrison and AnnetteHarris, of the Friends. She said some 2,000 invitations will be sent and invited Commissioners to send her their invitee-designates.

- Public Forum for Women-Owned Businesses.

This event, which Ms. Cardenas-Duncan also has been coordinating, will be Wednesday, October 2, 1985, from 8:30 AM to Noon, in the Bank of American Auditorium, 555 California Street, Concourse Level, in San Francisco.

NEW MATTERS

From the Chairperson:

1. It is essential, she said, that all Commissioners regularly attend the meetings of the Standing Committee to which they are assigned.
2. She invited new Commissioner Moylan to let her know which Committee he is particularly interested in.

From the Director:

1. The members were reminded that the Mayor is requesting copies of their Form 730s, the Conflict of Interest report each is required to file annually with the HRC office.
2. Supervisor Maher, through John L. Taylor, Clerk of the Board of Supervisors, wrote the HRC in August of this year, expressing concern about" ...the propriety of or need for guidelines for community organizations which conduct custodial care..obtaining informed consent for transporting those clients to public meetings..."

At the HRC meeting of August 22, 1985, the Director said, apparently a number of persons (ethnic minorities and elderly citizens) had been transported by a community organization en masse to public meetings allegedly to influence public issues.

Director Mickins reported that Supervisor Maher has telephoned him regarding his continuing concerns on this matter, and it was

****referred to the Administrative Committee for preparation of a recommendation, and/or position.

3. Kevin Williams, who has joined the HRC staff as a Contract Compliance Representative to monitor architectural and engineering contracts, was introduced.

NO REMARKS FROM THE AUDIENCE

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, October 10, 1985 at 10:15 AM in the Third Floor Commission Room, of the Main Library in the Civic Center.

STANDING COMMITTEES

Administrative:	Tuesday, October 1, 1985 5:30 PM HRC Offices
Community Advisory:	Special Meetings: Wednesday, October 2, 1985 3:30 PM Room 509, HRC Offices, 1095 Market Street Regular Meeting: Tuesday, October 29, 1985 3:30 PM, Commission Room, Main Library
Employment	Thursday, October 3, 1985 9:30 AM 1850 Mission Street

Housing and Urban Development	To be announced
Lesbian/Gay Advisory	Tuesday, October 5, 1985 5:30 -7:30 PM ROOM 1200, State Building 350 McAllister Street
Social Issues and Police Liaison	Monday, October 21, 1985 3:30 PM, HRC Offices, Room 509 1095 Market Street
Youth and Education	Thursday, October 17, 1985 3:45 PM State Building, 350 McAllister Street Room 1200

No Remarks from the Audience

Adjournement

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp
Attachements

Attachment #1

City and County of San Francisco

Human Rights Commission
Office of Contract Compliance
Office of Dispute Resolution

September 27, 1985

John Hart Ely, Dean
Stanford Law School
Crown Triangle
Stanford University
Stanford, California 94305

Dear Dean Ely:

The San Francisco Human Rights Commission was extremely dismayed by your memorandum dated May, 1985 concerning discrimination based on sexual orientation. Such a policy supports employers who are acting illegally according to the 1979 California Supreme Court decision in "Gay Law Students Association v. Pacific Telephone and Telegraph (24.cal.3d 458 at 488). At that time the court determined that discrimination against "persons who identify themselves as homosexual" by all private employers operating in the state, violates sections 1101 and 1102 of the California Labor Code.

Your policy of not barring employers who discriminate on the basis of sexual orientation brings up several questions. Would this same policy exist if the discrimination in question was based on race or gender? Does Stanford Law School have a similar policy regarding employers who refuse to hire members of ethnic minorities or women?

A policy such as yours does more than merely allow a "small minority of employers" to be "unenlightened." It accepts and condones discrimination based on sexual orientation, rather than speaking out against injustice as a legal and educational institution should do. This does great harm to the Gay and Lesbian students whose "feelings" you are attempting to protect, as well as to Gays and Lesbians everywhere.

We hope in the near future that Stanford Law School will join other law schools in fighting discrimination and bar employers who discriminate on any basis from its placement services. We urge you to seriously reconsider your policy as soon as possible. We look forward to hearing from you.

Very truly yours,

Brenda K. Wade, Ph.D.
Chairperson

BKW:JW:SS
cc:Donald Kennedy and James Tipton

P.S. (To Donald Kennedy only) This incident shows that discrimination occurs even at Stanford. A School-wide nondiscrimination policy would help to avoid such problems in the future.

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 9410

Housing and Urban Development	To be announced
Lesbian/Gay Advisory	Tuesday, October 5, 1985 5:30 -7:30 PM ROOM 1200, State Building 350 McAllister Street

STANFORD LAW SCHOOL

e of the Dean
497-4455

May, 1985

To: Employers Interviewing at Stanford Law School

From: John Hart Ely, Dean

Subject: Discrimination on the Basis of Sexual Orientation

As you may be aware, Stanford Law School -- somewhat unusual in this among the major law schools -- does not bar from its placement services employers that discriminate on the basis of sexual preference. We think that such a discrimination policy on the part of a legal employer would be most unenlightened. For example, the Law School does not discriminate in the selection of students or faculty. However, for the moment at least, we feel that if an employer wants to pursue such a policy, it's not up to the Law School to set it right.

However, we have no interest in wasting the time or risking the feelings of students whom employers are not going to take seriously because of their sexual preferences, and thus have chosen the alternative, not of barring employers with such a policy, but rather of requiring them to be open about the fact that that is, indeed, their policy. The C.I.A. and the Army J.A.G. Corps are perhaps the best-known examples of employers that have stated openly that they do discriminate on the basis of sexual preference.

Most legal employers disclaim such a policy. Obviously that is because in most cases there is no policy. Unfortunately, there is also some evidence, albeit largely anecdotal, to suggest that a small minority of employers do weigh homosexual preference negatively in deciding whom to employ. As far as Stanford Law School is concerned, that is the employer's privilege. But the quid pro quo for our policy of permitting employers with such a policy to interview here is a requirement that such employers state their policy forthrightly and in advance of the actual interviews.

An employer that has not filed such a declaration with the Career Services Office will, in the event of provable discrimination on the basis of sexual preference, be liable to the same types of sanctions that the school would impose in a provable case of discrimination on the basis of race or gender.

Thank you.

Crown Quadrangle Stanford University Stanford California

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday October 10, 1985
Commission Room, Main Library
Civic Center

NEXT MEETING

Date: October 24, 1985
Time: 10:15 A.M.
Place: Third Floor, Commission Room
Main Library, Civic Center

Roll Call

Commissioners

Present: Brenda K. Wade (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, Larry Martin, John Morrissey, John Moylan, Nicerita Revelo, Sal Rosselli, Martin S. Weiner, David K. Yamakawa.

Excused: Corrine Lee, Joan Zamora Moulton, Esta Soler.

Staff:

Present: Grant S. Mickins, Frank Anderson, Bettye Burrell, Bea Cardenas-Duncan, Don Hesse, Zula Jones, Stanley Lim, Richard Norton, Pansy Ponzio Waller, Gail Roberts, Mary Gin Starkweather.

Guests: Mr. Colabro, Police Department
Margaret Kisluik, Mayor's Office

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Pledge of Allegiance

Minutes of the Meeting of September 26, 1985 were approved with three corrections:

1. Commissioner Larry Martin is to be listed as excused.

2. Page 4, first paragraph, the sentence should read "...support employers who are acting illegally according to the 1979 California Supreme Court decision in "Gay Law Students Association vs. Pacific Telephone and Telegraph."

3. Page 4, second paragraph from the bottom should read "protective legislation."

COMMUNICATIONS

- From Assemblyman Elihu Harris to the HRC a letter thanking the Commission for its support of AB 1464, affirmative action goals in public contracting.

- From Officer Art Tapia, S.F. Police Department to Director Mickins, an invitation to attend a dinner honoring Lieutenant Timothy Thorsen on the occasion of his retirement.

- From Sidney Williams, President, San Francisco Steel Company, Inc., a letter of complaint regarding money owed to him by the City and County for work done on Project Mr - 828 Rehabilitation of Cable Car Trackway - Hyde Street.

- From Roger Boas, Chief Administrative Officer, a letter to Director Mickins announcing the beginning of the 1985 City Employees Commemdation combined campaign.

- From Mayor Feinstein to Commissioner Wade regarding the funding recommendation of the HRC.

- From Norma Kennedy, U.S. Bureau of Indian Affairs, a letter to the HRC thanking the Commission for its concerns regarding the Mayan Indians.

- From Mayor Feinstein to Director Mickins, a letter informing him that the HRC's Request for fundings under the 1986 Community Development Program has been recommended for funding in the Final Proposal for an amount of $67,500.

- From Dean Macris, Director of City Planning to Director Mickins, a letter inviting an HRC departmental representative to a Mission Bay Project briefing on October 10, 1985.

- Mayor Feinstein's State of the City Address.

CHAIRPERSON's REPORT

Commissioner Martin was appointed Co-Chairperson of the Employment Committee and Commissioner Moylan was appointed as a member of the Employment Committee.

Commissioner Wade commended Frank Anderson for his work as Acting Director during Director Mickins' absence on bereavement leave.

DIRECTOR REPORT

Director Mickins announced that the City's $76 million deficit will have a tremendous impact on all City departments. The Finance Committee has requested all departments to submit budgets detailing the impact of a 2½% and 5% reduction on the current budget. The HRC is already very austere because of the additional funds needed for benefits of the new permanent employees, Mr. Mickins indicated that the programs which would be most affected by such cuts are the MBE/WBE program and the Lesbian/Gay AIDS programs.

ADMINISTRATIVE COMMITTEE

Commissioner Phyllis Lyon

1. It was m/s/c that a resolution appointing Donna Hitchens as a Hearing Officer be adopted.

2. The Administrative Committee, at its October 1st meeting, discussed at length selection procedures for HRC hearing officers. One hundred and ten people have applied, of which, four have been appointed. Commissioner Soler appointed Commissioners Lyon and Suncin to review the candidates and make recommendations to the October 29th Administrative Committee meeting for a pool not to exceed 25 people.

Supervisor Bill Maher's letter requesting a policy statement re: non-profit agencies transporting citizens to public meetings was read and the Committee grappled with the issues of the rights to assemble and the right to informed consent. The Committee is seeking input from others, particularly the ACLU, and anticipates adopting a policy statement at its October 29th meeting.

The Mayor's staff had requested each department to submit program priorities and include the budget figures and MBO data for each. The Committee reviewed the six priority statement which staff had prepared.

The appropriateness of issues to be represented to the Administrative Committee or the subject matter committees was discussed.

There was no Social Issues and Police Liaison Committee report

EMPLOYMENT COMMITTEE

Corrine Lee/George Sucin, Co-Chairpersons

Year End Report on Fisherman's Wharf Restaurants - Zula Jones

Ms. Jones presented an extensive narrative report accompanied by the workforce. breakdown of the combined 13 Fisherman's Wharf Restaurants which were monitored.

The following is taken verbatim from Ms. Jones' report:

In 1984, the 13 restaurants had a total of 511 minorities in all job categories. The following is a comparative breakdown of the employment of minorities by gender and ethnicity for the years 1983 and 1984.

1983			1984		
Males	650	(80.65%)	Male	665	(80%)
Females	156	(19.35%)	Females	162	(20%)
Total Employees	806	(100.00%)	Total Employees:	828	(100%)

MINORITIES

1983			1984		
Black	44	(5.45%)	Black	29	(3.49%)
Hispanic	96	(11.88%)	Hispanic	133	(16.05%)
Asians	*392	(48.51%)	Asians	224	(27.01%)
American Indian	7	(.86%)	American Indian	8	(.96%)
			Filipino	117	(14.11%)
Total	539	(66.70%)	Total	511	(62.16%)

*Includes Filipinos

our conclusions and recommendations were made:

"The HRC will:

1. Pursue within the next quarter, negotiation for an Affirmative Action Agreement with the 13 Restaurants at Fisherman's Wharf. (These negotiations may take place between the HRC and the total 13 Restaurants or may be done on an individual Restaurant basis, whichever is determined to be more effective in utilizing Blacks and Women).

2. Develop specific guidelines for the Restaurants when hiring and promoting minorities.

3. Establish on-going meetings with culinary Union Local 2 to develop a better program for the recruitment of Blacks and Women in the workforce at the Fisherman's Wharf Restaurants.

4. While minorities in visible positions have improved Blacks and Women are still severely underrepresented in many job categories."

In response to questions by several Commissioners Ms. Jones made the following emarks:

1. One of the reasons for a drop in the number of Black is the restaurants' use of "Word-of-Mouth" hiring techniques instead of solicitation of minority employment resources. This has resulted in the hiring of a high percentage of Asians and Filipinos.

2. There is no difference in the union and non-union restaurants' minority workforce.

3. The 5 restaurants located on the Embarcadero have higher percentages of women and minorities.

4. Ms. Jones also noted that staff was developing a good relationship with the Union representative and plans to meet and discuss recommendations already made by the Employment Committee.

Ms. Jones will be presenting the report to the Port Commission. It was m/s/c to adopt the Fisherman's Wharf Report.

Director Mickins commended Ms. Jones for her diligence and mediation in working with an obstructionist attorney and succeeding in obtaining the necessary information in order to effectively monitor the Restaurants.

LESBIAN/GAY ADVISORY COMMITTEE

Phyllis Lyon/Sal Rosselli

Supervisor Britt has not yet received the AIDS anti-discrimination legislation from the City Attorney's Office. The Committee will present the proposed legislation to the Commission when it becomes available.

MBE/WBE Advisory Committee

Yamakawa, Jr. Chairperson

Commissioner Yamakawa reported that several educational sessions on the Rules and Regulations of Chapter 12D had been held. The Committee has also adopted for recommendation revisions to the Rules and Regulations which will be forthcoming to the Commission.

Commissioner Morrissey remarked that there was an exhibit in the Federal Building for Minority Enterprise Development Week, October 7-11, 1985.

P.G. & E received a National Corporate Award from the U.S. Department of Commerce in recognition of its Equal Opportunity in Purchasing Programs, thus supporting MBEs.

It was m/s/c that a letter of congratulations be sent to P.G. & E. on their reception of the award.

NEW MATTERS

- Commissioner Morrissey brought up the issue relating to Stanford Law School's policy of not barring employers who discriminate on the basis of sexual orientation from using Stanfords placement services. Commissioner Morrissey thanked Jackie Winnow for providing him with materials he requested and distributed copies of an article in the Recorder and a memo from Jack H. Fuedenthal, Associate Dean at Stanford, regarding this issue. He also felt that this should be a great concern not only at Stanford but at Hastings Law School and others located within San Francisco.

During the course of the discussion on this issue, it was perceived by Commissioners Lyon and Rosselli that a derogatary remark had been made against the Lesbian/Gay Community. Objections were made by Commissioners Lyon and Rosselli.

- Commissioner Rosselli announced the Alice B. Toklas Democratic Club will be holding its Awards Dinner on October 19, 1985.

- The 1st Annual Friends of the HRC Awards Breakfast will be held Thursday October 24, 1985 at 8:00 a.m. at the San Franciscan Hotel.

- Stanley K. Lim announced that the first hearing using Hearing Officer Tippin will be held October 22, 1985, 10:15 a.m. - 1:15 p.m. in the Commission Room of the Library. The Hearing is regarding the Cleanwater SWOOP Contract No. 1015W Complaint of Noncompliance - HRC vs. Arvie Son & Associates and Morrison Knudsen Co., Inc. et el DBA Ocean Beach Outfall Constructors, Inc.

CALENDAR MATTERS

The next Commission meeting will be held Thursday, October 24, 1985, 10:15 a.m. in the Commission Room, Main Library, Civic Center.

Remarks from the Audience

Sgt. Calabro, of the San Francisco Police Department came before the Commission to express his feelings that an Article 33 complaint he had made was not resolved satisfactorily. He claimed that white males in the SFPD had suffered discrimination because of the recent honoring of seversl female patrol officers. The women were honored at a ceremony celebrating the 10 Year Anniversary of women being patrol officers. The matter was referred to Frank Anderson for resolution.

STANDING COMMITTEES

Administrative:	Tuesday, October 29, 1985 5:30 p.m. HRC Offices
Employment :	Thursday, November 7, 1985 9:30 a.m. 1850 Mission Street
Youth and Education:	Thursday, November 21, 1985 3:45 p.m. State Building, 350 McAllister Street Room 1200
Social Issues and Police Liaison:	Thursday, November 18, 1985 3:30 p.m., HRC Offices, Room 509 1095 Market Street
Housing and Urban Development:	To be announced
Lesbian/Gay Advisory:	Tuesday, November 19, 1985 5:30 p.m. - 7:30 p.m. Room 1200, State Building 350 McAllister Street
MBE/WBE Advisory:	Thursday, November 21, 1985 3:30 p.m., Civic Center Library, Commission Room

The meeting was adjourned at 11:10 a.m.

Respectfully submitted,

Grant S. Mickins
via Mary Gin Starkweather

GSM:MGS:ltn

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HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, October 24, 1985
Commission Room, Main Library
Civic Center

NEXT MEETING

DATE: Thursday, November 14, 1985
TIME: 10:15 AM
PLACE: Third Floor Commission Room
Main Library, Civic Center

NOTE: The fourth Thursday is November 26, Thanksgiving Day, a legal Holiday, and the HRC will not meet.

ROLL CALL

Commissioners

Present: Brenda Wade, (presiding), Joe Jung, Phyllis Lyon, Larry Martin, John C. Morrissey, Joan Zamora Moulton, Nicerita Revelo, Sal Rosselli, Esta Soler, Rabbi Martin S. Weiner, David Yamakawa Jr.

Excused: Samuel Chung, Corrine Lee, John Moylan, George Suncin.

Staff

Present: Frank Anderson (acting for Grant S. Mickins, Director, who was on emergency leave), Bettye Burrell, Jack Casford, Bayard Fong, Eileen Gillis, Zula Jones, Gail Roberts, Mary Gin Starkweather, Sue Steiner, Jackie Winnow.

Ms. Winnow introduced Dan Turner, who has joined the Lesbian/Gay Advisory staff as a Masters in Social Welfare student intern. Mr. Turner is a member of the Board of the San Francisco AIDS Foundation.

Plegde of Allegiance

Minutes of the Meeting of Thursday, October 10, 1985:

Under New Matters, Page 4, bottom of the page, Commissioner Rosselli referred to the sentence reading, in part, "...it was perceived by Commissioners Lyon and Rosselli that a derogatory remark had been made against the Lesbian/Gay Community..." (There had been comments from Commissioner Morrissey on the issue of Stanford Law School's policy of not barring employers who discriminate on the basis of sexual orientation from using Stanford's placement services.),

Commissioner Rosselli at this meeting said that Commissioner Morrissey made "...what I term a homophobic remark, and I think it was totally inappropriate, and I would like the Minutes to reflect that.".

Commissioner Morrissey responded, "I don't know any remark I made that was intended to be derogatory nor do I know of any remark I made that was other than factual. I expressed no opinion one way or another."

On the suggestion of Commissioner Yamakawa,

****it was m/s/c (unanimously) that approval of the Minutes of October 10, 1985 be tabled until a transcript can be made from the tape of the meeting.

Chairperson Wade stated that she appreciated Commissioner Morrissey's remark at this meeting that perhaps some education (about Lesbian/Gay lifestyles) would be appropriate for the members of the HRC.

COMMUNICATIONS

- Acting Director Frank Anderson called attention to a copy in the Communications materials provided the Commissioners of a column by Guy Wright in the San Francisco Examiner of October 20, 1985, commenting critically on the Minority/Women/Local Business Enterprise Ordinance and implementation of Chapter 12D of the City Administrative Code.

NOTE: the fear that the cost of government would increase substantially with the passage of this ordinance has not been proven. Also the concern that the high quality of goods and services would deteriorate as a result of this ordinance, remains untrue and undocumented.

- From Officer Art Tapia, Community Relations Division, San Francisco Police Department, for Cornelius P. Murphy, Chief of Police, announcing a dinner honoring Lieutenant Timothy Thorsen on his retirement from the Force. The event was to be held Thursday, October 24, 1985 at the United Irish Cultural Center, 2700 45th Avenue, beginning at 7 PM.

- From James McEntee, President, California Association of Human Rights Organizations (CAHRO), announcing imminent publication of a newsletter for CAHRO, and seeking input and information.

- From the San Francisco Black Chamber of Commerce, an invitation to attend the Achievement Awards Banquet '85 on Saturday, October 26, 1985, at the New Ramada Renaissance Hotel, Fifth and Market Streets, beginning with a reception at 6:30 PM.

- From Backdoor/Backstage Enterprises and Active Unlimited, announcement of a benefit celebration for children to be held Sunday, October 27, 1985, from 10 AM to 6 PM at The Farm and Potrero Del Sol Park, 1499 Potrero Avenue at Army Street.

- From Rosario Anaya, Commissioner, San Francisco Board of Education, a telegram, read in full at the request of Commissioner Moulton by Chairperson Wade at this meeting, congratulating the honorees at the 1985 Human Rights Award presentation ceremonies, and regretting she would not be able to attend.

DIRECTOR'S REPORT

- Proposed Resolution in Memory of and Tribute to Stanley K. Lim.

It was formally announced that Stanley K. Lim , an HRC staff member for more than sixteen years, died suddenly October 13, 1985. Staff and Commissioners past and present attended funeral services for him October 17, 1985. Mr. Lim, deeply respected and admired by his professional colleagues, was a major figure in the implementation over the years of the HRC's mandate in Affirmative Action and equal employment opportunity. He had been Coordinator of the Clean Water Program, and supervised staff activities monitoring the major construction projects let by the City. The HRC staff ,coordinated by Frank Anderson, sent individual and collective messages of condolence to the family, as did the Commissioners of the HRC and Commission on the Status of Women. The Board of Supervisors adjourned its October 15 meeting in his memory, and will send a Resolution later to the family. The Recreation & Park Commission also adjourned its meeting in his honor. A large floral arrangement was sent for the services from the HRC, and a large informative mailing was sent to members of HRC Standing Committees, professional associates, and friends. Responses were made to the scores of inquiries and messages of condolence received at the office.

****Mr. Anderson then read in full, and the HRC unanimously adopted, a Resolution in Memory of and Tribute to Stanley K. Lim, written by Jack Casford, who was, with Frank Anderson, Gail Roberts, Director Mickins, Pauline Anderson, and Grace Markham, a co-worker and colleague for those sixteen-plus years.

****It was announced that condolences may be sent to:

Mrs. Shirley Lim & Family
(his wife and daughters, Monica and Lisa)
1354 15th Avenue
San Francisco, CA. 94122

An appropriate memorial will be established in his name. Donations by check may be sent to:

Friends of the Human Rights Commission
re: Stanley K. Lim Fund
c/o the Human Rights Commission
1095 Market Street, Suite 501
San Francisco, Ca. 94103

Frank Anderson of the HRC is coordinating the HRC's role. He may be contacted at (415) 558-4901.

The full text of the Resolution is attached to these Minutes.

- Proposed Resolution of Commendation to Commissioner David K. Yamakawa Jr.

Mr. Anderson read in full this Proposed Resolution, commending Commissioner Yamakawa, a member of the HRC since 1975, a former Chairperson of the full HRC, and of four Standing Committees. The Commissioner recently received the San Francisco Foundation Award.

It was then

****m/s/c that the HRC adopt the Resolution of Commendation to Commissioner David K. Yamakawa Jr. The full text is attached to these Minutes.

- In Memory of Fannie Mae Mickins, Mother of Director Grant S. Mickins

Mr. Anderson read a letter addressed to the family of Mrs. Mickins, who died in Florida October 24. Her son , Director Mickins, was in Florida for her services.

It was then

****unanimously m/s/c to send the letter, a full copy of which is attached to these Minutes.

It was announced that condolences may be sent to:

Mr. Grant S. Mickins & Family
1637 West 19th Street
Jacksonville, Florida 32209

- Staff Status Report.

Mr. Anderson reported that the HRC staffing in addition to the tragedy of Mr. Lim's death and of Mr. Mickin's Mother, has also suffered other personal crises and losses, and that it is in a state of transition.

He announced that Vicky Rathbone has been designated by the Director the Departmental Contract Compliance Coordinator overseeing all architects and engineers and construction contracts. She also will supervise the Construction Compliance staff, formerly under Stanley Lim.

Gary Wong has been assigned to the Certification Unit in the City Purchaser's Office in City Hall, assisting Linell Harden, and under the supervision of Don Hesse. He also will be performing review and evaluation of the Bidders Affirmative Action workforce requirements, work formerly done by Essie Thomas.

- 1985 Human Rights Awards Breakfast.

Chairperson Wade thanked Beatrice Cardenas- Duncan, who coordinated the many details required to plan and present the HRC's first presentation of Human Rights Awards. Jane Morrison, Vice-Chair of the Friends of the Human Rights Commission also was cited for her hard work over many weeks, as was Tracy Foreman. It was

****m/s/c to write each formally expressing these thanks.

Five persons received formal plaques of merit for outstanding contributions to human rights in San Francisco at a breakfast at the San Francisco Hotel attended by several hundred community leaders. The recipients, each of whom gave a brief address, were:

Belva Davis---in the field of Arts & Entertainment.

Al Repato------in the field of Business.

Helen Marie Bautista---in the field of Community Service.

Sandra Ouye Mori-------in the field of Community Service.

Art Tapia---in the field of Government

Walter L. Johnson---in the field of Labor.

Members of their respective communities introduced and gave a brief career background on each recipient. Each also received an engraved brass plaque, a certificate of honor from the Board of Supervisors, and a Mayoral Proclamation from Mayor Dianne Feinstein.

HRC Chairperson Brenda Wade greeted the audience and commended the honorees from the Speaker's Table.

Earl Raab, Chair of the Friends of the Human Rights Commission, explained the purposes of the Friends, which was created in March of 1980.

Jane Morrison, in addition to being Vice-Chair of the Friends, was Chair of the Awards Committee, and she was mistress of ceremonies for the presentations.

- To the HRC Staff

The Chairperson briefly expressed to the Staff her understanding and offer of support during the difficult times they are going through, and offered as well the assistnace of individual Commissioners to them.

STANDING COMMITTEES

LESBIAN/GAY ADVISORY COMMITTEE
Phyllis Lyon/Sal Rosselli-Co-Chairpersons

- Introduction of Final Copy of AIDS Discrimination Ordinance for Endorsement to the Board of Supervisors.

Copies of the latest text of the proposed Article 38, for addition to (by amendment) Part II, Chapter VIII, of the (Police Code) San Francisco Municipal Code to "prohibit discrimination against persons suffering from the medical condition AIDS or any medical signs or symptoms related thereto" were provided each Commissioner.

The HRC had discussed this proposed amendment at length at its September 26, 1985 meeting, at which it postponed (for further study of the details of it) action on endorsement, while underlining its grave concern for the need of it.

Dana Van Gorder, Legislative Aide to Supervisor Harry Britt (author of the proposed legislation, then came to the podium.

Mr. Van Gorder specified the one change he said had been made to the proposed amendment, one made at the request of the Department of Public Health adding, to Section 3803. Employment (c) Exceptions: "Exceptions. Nothing in this section shall be constructed to prohibit any act specifically authorized by the laws of the State of California or any action taken by or under the direction of the San Francisco Department of Public Health in order to protect the public health." He said the (underlined) addition had been because the DPH wanted it known that there are additional powers and City health codes vested in the DPH and its Director to intervene in emergency health situations if necessary.

Further, Mr. Van Gorder said that in response to an inquiry from an HRC Commissioner at the September 26 meeting , he could state that the proposed ordinance would not have bearing on the San Francisco Unified School District.

Commissioner Yamakawa expressed some concern about what he noted was the lack of the bona fide occupational qualification concept (present in the Employment section of the proposed amendment) in the Housing section, particularly as regards lending or guaranteeing the loan of money.

Mr. Van Gorder responded that, first, AIDS patients are not necessarily terminal, and second, he would be reluctant to insert such qualification in other areas.

Commissioner Weiner also commented on the point of loan guarantees being made to persons who, in what he called "the reality of the moment", may be indeed be terminal.

After further discussion on this point in a general sense, it was

*****m/s/c that the HRC formally endorse the proposed ordinance to the San Francisco Municipal Code by adding Article 38, to prohibit discrimination against persons suffering from the medical condition AIDS or any medical signs or symptoms related thereto.

*****At 10:37 AM, Chairperson Wade was excused from the meeting and the gavel was assumed by Vice-Chairperson Soler.

SOCIAL ISSUES AND POLICE LIAISON COMMITTEE
Samuel Chung and Joan Zamora Moulton -Co-Chairpersons

- Committee Action Report. Commissioner Moulton.

1. Mayan Indians--- Commissioner Moulton said she was dissatified with a response from the Bureau of Indian Affairs regarding the HRC's letter, on recommendation of the Committee, sent September 12, 1985 to the Tribes of the Iroquois Confederacy commending them for their reported (in a San Francisco Examiner newspaper article Commissioner Moulton brought to Committee attention) offer to induct Mayan Indians living as refugees in the United States to prevent their deportation.

The Commissioner asked that the original letter be re-sent to the Iroquois Confederacy.

2. Death of Officer Art Tapia's Mother -- The Commissioner asked that a letter be sent from the Committee to Officer Tapia expressing condolences on the recent death of his Mother. The Commissioner circulated a card of sympathy to be signed by all Commissioners.

3. Sgt. Calabro's Complaint--(see below) The Commissioner said she was impressed that the officer said he had taken his complaint to the Human Rights Commission rather than the Police Commission because he felt his human rights had been abused.

- Complaint of Sgt.Louis E. Calabro

Sgt. Calabro of the San Francisco Police Department had appeared before the HRC October 10, 1985 stating that he felt that a complaint he had first brought to the HRC August 14, 1985 was not resolved satisfactorily.

Sgt. Calabro, in his written complaint of September 8, 1985, said that he and all other male Police Officers are being discriminated against by the action of the Mayor's Office in declaring the year July 85-86 "...as honoring 'Woman on Patrol' year." Staff had taken Sgt. Calabro's complaint by telephone, had requested and received his written complaint, had conferred with the Director, who had made a formal Finding dismissing the complaint, and notified him by letter September 25, 1985.

At the HRC's October 10 meeting, the Chairperson referred the issue to Frank Anderson and to the Social Issues and Police Liaison Committee for follow-up and resolution.

Sgt. Calabro attended the Committee meeting October 21. Besides Committee members (who include Lt. Edmund Pecinovsky and Officer Samuel Craig of the SFPD), Director Mickins was present.

Commissioner Moulton now announced the Committee's recommendations:

1. No harm has been done to Sgt. Calabro by the Tenth Anniversary of Women serving on the Police Force. Historically, males of the SFPD have been recognized, and there was no precedent.
2. The Committee adopted HRC Director Mickins' notification letter to

Sgt. Calabro dated September 25, 1986, notifying that he had dismissed the complaint.

The Committee further stated that if there is any more need for work on this issue, the Director will ask the City Attorney for review.

In ensuing discussion, Commissioner Moulton said that the Committee felt that the recommendations should be accompanied by a statement backed by the City Attorney that the Mayor had the right and privilege to exercise her powers of office to commend women Police officers, as she did in a public ceremony in July.

Frank Anderson was asked to summarize the case. He said the Calabro complaint was of some weeks' standing, and that Sgt. Calabro had made numerous contacts with Jack Casford, the intake staff person, the Director, and the Chairperson. He said that Sgt. Calabro's appearance before the HRC October 10 had been the result of his dissatisfaction with the Director's September 25 notice of dismissal, and an attempt to obtain a hearing before the full HRC. The referral, Mr. Anderson said, resulted in the Committee's recommendations, reaffirming the Director's Finding.

There followed debate and discussion on the procedural point on whether the HRC's role was completed in this complaint.

Mr. Anderson pointed that it is unusual to refer a complaint of this personal nature to a Standing Committee for resolution, and also that the Sgt.'s filing under Article 33, as he wrote in his formal complaint letter, was incorrect, inasmuch as Article 33 refers to sexual orientation. The complaint said all males were discriminated against by honors paid to women officers. Thus, this was an allegation of gender, not of sexual orientation, as covered under Article 33.

After further discussion with contributionsfrom Commissioners Weiner, Yamakawa, Lyon, and Soler, it was

****m/s/c that the HRC informally ask members of the City Attorney's staff regarding resolution of this complaint, and that it table further action on the Committee recommendations until that is accomplished.

Commissioner Moulton requested that Sgt. Calabro be notified by letter of any further action the HRC takes on his complaint.

NEW MATTERS

- Dan Turner.

Jackie Winnow introduced Mr. Turner, joining the Lesbian/Gay Advisory staff as a Masters in Social Welfare intern. Mr. Turner is a member of the Board of the San Francisco AIDS Foundation.

- Center for Central American Studies-Human Rights Day.

Ms. Margarita Studemeister, on recommendation of former Commissioner Thomas Ambrogi, solicited the HRC's co-sponsorship of Human Rights Day on December 10, 1985. The event will have the participation of the Justice and Peace Commission of the Archdiocese of San Francisco, the United Nations Association of San Francisco, Supervisor Doris Ward, and others. The event, Ms. Studemeister said, will focus on El Salvador, and she said that San Francisco presently has a population of between 60,000 and 100,000 Salvadorans who are refugees from their country.

It was then

****m/s/c that the HRC agree to co-sponsor Human Rights Day December 10, 1985.

CALENDAR MATTERS

- It was announced that the Citizen's Review Committee of the Board of Education will hold the first of several public hearings Monday October 28, 1985 at 7 PM in the Board meeting room at 170 Fell Street as part of its seeking community input on criteria for selection of a fulltime Superintendent of the San Francisco Public School District.

DATE: Thursday, December 12, 1985

CITY AND COUNTY OF SAN FRANCISCO
Human Rights Commission
Minutes of the Meeting of October 24, 1985
Page 7

CALENDAR MATTERS cont'd

Acting Director Frank Anderson welcomed Jack Casford back to fulltime work at the HRC following his heart attack, and commended him for his writing of a number of action items at this meeting.

- The next regular meeting of the Human Rights Commission will be Thursday, November 14, 1985 at 10:15 AM in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

ADMINISTRATIVE:	Tuesday, October 29, 1985 5:30 PM, 1095 Market Street, HRC Offices Room 509
EMPLOYMENT:	Thursday, November 7, 1985 9:30 AM 1850 Mission Street
YOUTH AND EDUCATION:	Thursday, November 21, 1985 3:45 PM State Building, 350 McAllister Street, Room 1200
SOCIAL ISSUES AND POLICE LIAISON	Thursday, November 18, 1985 3:30 PM, HRC Office, Room 509 1095 Market Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, November 19, 1985 5:30 PM-7:30 PM Room 1200 State Building 350 McAllister Street
MBE/WBE/LBE ADVISORY	Thursday, November 21, 1985 3:30 PM Civic Center Library, Commission Room

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp
11/6/85

Sgt. Calabro dated September 25, 1986, notifying that he had dismissed the complaint.

The Committee further stated that if there is any more need for work on this issue, the Director will ask the City Attorney for review.

In ensuing discussion, Commissioner Moulton said that the Committee felt that the recommendations should be accompanied by a statement backed by the City Attorney that the Mayor had the right and privilege to exercise her

ATTACHMENT #1

City and County of San Francisco

Human Rights Commissio
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION IN MEMORY OF AND TRIBUTE TO

STANLEY K. LIM

WHEREAS, Stanley K. Lim, who died October 13, 1985, has, as one of the senior members of the Human Rights Commission professional staff, been for sixteen years one of the mainstays in our work; and

WHEREAS, his dedication, expertise, compassion, and patience were attributes placed always at the service of the Human Rights Commission's strongest human and civil rights objectives; and

WHEREAS, Stanley K. Lim, by hard, persistent, and thorough research and astute judgment contributed significantly and lastingly to the increased participation of minorities and women in the employment market of the public and private sector in San Francisco; and

WHEREAS, as the senior Compliance Officer and Coordinator for many years of the complex and demanding contracting monitoring of the Commission, Stanley K. Lim never wavered from the highest standards of personal repute, integrity, fairness, and probity; and

WHEREAS, as a colleague he was at all time amiable, cooperative, creative, and responsive, advising wisely, and judging situations and personalities keenly;

NOW, THEREFORE, with grief in our hearts, mixed with pride in having known and worked with him, BE IT RESOLVED that the Human Rights Commission convey these and unspoken thoughts and feelings to his widow, Shirley, and his daughters, Lisa and Monica, and other members of his family.

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Resolution 13-85
Adopted by the HRC 10/24/85

5) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

Sgt. Calabro dated September 25, 1986, notifying that he had dismissed the complaint.

The Committee further stated that if there is any more need for work on this issue, the Director will ask the City Attorney for review.

In ensuing discussion, Commissioner Moulton said that the Committee felt that the recommendations should be accompanied by a statement backed by the City Attorney that the Mayor had the right and privilege to exercise her

DATE: Thursday, December 12, 1985

Attachment #2

City and County of San Francisco

Human Rights Commissior
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION OF COMMENDATION TO

COMMISSIONER DAVID K. YAMAKAWA JR.

WHEREAS, David K. Yamakawa has served as a member of the Human Rights Commission since December 17, 1975, chairing it in 1978 and 1979; and

WHEREAS, Commissioner Yamakawa has chaired as well the Employment, Lesbian/Gay Advisory, Youth and Education, and Social Issues and Police Liaison Standing Committees and the MBE/WBE/LBE Advisory Committee during his tenure with sure leadership and deep commitment; and

WHEREAS, our fellow Commissioner is known in the community of San Francisco for superlative contributions in many fields, especially that of human relations; and

WHEREAS, his latest public recognition was the presentation to him of the San Francisco Foundation Award, given, "for his leadership in helping people to live and work together through mutual understanding and cooperation,"

NOW, THEREFORE, BE IT RESOLVED, that we, his colleagues of the Human Rights Commission do join in the plaudits of the City and its citizens to David K. Yamakawa Jr., and commend him most heartily and sincerely for his invaluable role in our work.

######################

Resolution 12-85
Adopted by the HRC 10/24/85

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 9410

Sgt. Calabro dated September 25, 1986, notifying that he had dismissed the complaint.

The Committee further stated that if there is any more need for work on this issue, the Director will ask the City Attorney for review.

In ensuing discussion, Commissioner Moulton said that the Committee felt that the recommendations should be accompanied by a statement backed by the City Attorney that the Mayor had the right and privilege to exercise her

Attachment #3

City and County of San Francisco

Human Rights Commissio
Office of Contract Compliance
Office of Dispute Resolution

October 24, 1985

To The Family of Fannie Mae Mickins:

The members of the Human Rights Commission of San Francisco are joined in their expressions of condolences to you all by this formal action at their regular meeting of October 24, 1985.

We honor the memory of the life of Fannie Mae Mickins, and we wish you to know how deeply we identify with you at this time.

We knew Fannie Mae Mickins through her son, Grant S. Mickins, our Director, whose work and service stem from her teachings and her example. He has brought honor to his Mother and all his family through his civil and human rights leadership.

Mrs. Mickins was, we know through him, a strong and energetic wife and mother, and lived a long, fruitful, and honorable life in her community.

As we convey to your family our compassion and sympathy, we reaffirm our tribute to her, to Fannie Mae Mickins.

Most sincerely,

Brenda K. Wade, Ph.D.
Chairperson - HRC

BKW:JC:pa

5) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, November 14, 1985
Commission Room, Main Library
Civic Center

NEXT MEETING

Note: November 28, 1985 is Thanksgiving, a Legal Holiday, and the HRC will not meet.

DATE: Thursday, December 12, 1985
TIME: 10:15 AM
PLACE: Third Floor, Commission Room
Main Library, Civic Center

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ROLL CALL

Commissioners

Present: Brenda Wade (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, Larry Martin, Nicerita Revelo, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: Corrine Lee, John C. Morrissey, Joan Zamora Moulton, John Moylan, Sal Rosselli, Esta Soler, George Suncin.

Staff

Present: Grant S. Mickins, Frank Anderson, Bettye A. Burrell, Jack Casford, Clemente Newball-Obregón, Richard Norton, Gail Roberts, Kevin Williams, Jackie Winnow.

Pledge of Allegiance

Minutes of the Meeting of Thursday, October 24, 1985 approved.

COMMUNICATIONS

- From Mayor Dianne Feinstein, a Memorandum to All Department Heads, reviewing her seven-point action program to deal with the currently-projected financial situations facing the City, and stressing four affecting City departments, the first of which calls for all City departments for Fiscal Year 86/87 to prepare budget options at reduced levels, which contain no new programs and reduced equipment, travel and contractual service accounts.

- From Conway H. Collis, Vice-Chairman, State Board of Equalization, to Commissioner Joe Jung, asking his assistance (by purchasing four tickets or more) at his fundraising reception November 26, 1985.

- From John J. Walsh, General Manager, Personnel, Civil Service Commission, a Memorandum to All Appointing Officers regarding notification procedures to be followed by managers in cases of suspected or probable employee criminal activity.

- From Mayor Feinstein, urging Director Mickins to attend a fundraising Anniversary (the 50th) Celebration, benefiting the Foundation of City College, for City College of San Francisco, to be held November 15, 1985 at the Hilton Hotel. An identical letter also was sent Commissioner Chung.

- From Grandvel A. Jackson, President, San Francisco Branch, National Association for the Advancement of Colored People, a copy of a letter to Mayor Feinstein requesting a meeting for the Executive Committee of the NAACP with her to discuss several items of "critical concern including the future participation of the NAACP in activities of the Human Rights Commission." Commissioner Weiner took special notice of this letter during this meeting.

- Also from the NAACP, via President Grandvel A. Jackson, a letter to HRC Chairperson Brenda Wade, requesting that he appear before the HRC to discuss NAACP involvement in HRC and its Standing Committee membership and activities.

- From Robert L. Gnaizda, of Public Advocates, Inc., urging all Commissioners to exercise "extreme caution before endorsing the practices and 'achievements" of PG & E regarding minority and women contracts."

At the HRC's regular meeting of October 10, 1985 Commissioner Morrissey noted that there was an exhibit in the Federal Building for Minority Enterprise Development Week, October 7-11, 1985, and noted that PG & E had received a National Corporate Award from the U.S. Department of Commerce in recognition of its Equal Opportunity in Purchasing Programs, "thus supporting MBEs." The HRC then voted to send a letter of congratulations to PG & E on its receiving of this award.

- From John L. Martin, Manager, Budget and Financial Planning, Airports Commission, notifying that the HRC should budget for an increase in the work order by $575, to provide for daily travel reimbursement to the HRC employee stationed at the Airport.

- From John J. Walsh, General Manager, Personnel, a copy of a letter to John L. Taylor, Clerk of the Board of Supervisors, regarding the HRC Director's recent appointments of four staff eligibles for class 2991 Coordinator, Human Rights Commission, and a temporary requisition limited for a period of six weeks. Copies of this letter was sent to all Board members as well to Supervisor Willie Kennedy, and three members of the Civil Service Commission staff.

- From John L. Taylor,Clerk of the Board of Supervisors, a copy of his response to John J. Walsh, General Manager, Personnel, Civil Service Commission, and his procedural concerns regarding the above letter of inquiry about the HRC Director's appointments to class 2991 Coordinator.

- From Arthur H. Coleman, M.D.,President, Port Commission, thanking Ms. Vicky Rathbone of the HRC staff, who had been based at the Port of San Francisco overseeing contract compliance work there for the HRC, who has left to assume her duties as a recently-appointed senior Contract Compliance Coordinator.

- From Supervisor Bill Maher, announcing an upcoming vote (November 4, 1985) on an ordinance he introduced "to limit the ability of employers to control the personal lives of their employees." Passed by the Board on the First Reading 9-1, it prohibits employers from requiring random testing for blood and urine samples.

- From Police Sergeant Louis E. Calabro, regarding his Discrimination Complaint (that male Police Officers were discriminated against by the Mayor and the Chief of Police by a special ceremony honoring women serving on the Force), requesting that " any Commissioner who participated in or was involved directly with the action that resulted in my complaint be asked to abstain from participating as a member of the HRC." Sgt. Calabro appeared at the October 10, 1985 meeting of the HRC and before the October 18, 1985 meeting of the Social Issues and Police Liaison Committee, which adopted a set of recommendations announced at the HRC's October 24, 1985 meeting.

See Social Issues and Police Liaison Committee report below for further action on this complaint.

- From Majorie Fujiki, Project Coordinator, Equal Rights Advocates, announcing the Equal Rights Advocates' Equal Employment Opportunities for Women of Color Project. Equal Rights Advocates is a San Francisco-based public interest law firm specializing in pregnancy-related discrimination, sexual harassment in the workplace, gaining access to nontraditional jobs, and wage discrimination. Further information is available by calling (4150 621-0505.

- From Dorothy J.Porter, Ph.D. , International Association of Human Rights Agencies Federal King Holiday Commission Liaison, informing of the participation of the IAOHRA in the Martin Luther King, Jr. Federal Holiday Commission. Dr. King's birthday will for the first time be observed as a legal holidy January 21, 1986.

- To Mrs. Shirley Lim & Family (daughter Monica and Lisa), a letter transmitting the Resolution in Memory of and Tribute to Stanley K. Lim, HRC Senior Contract Compliance Coordinator, who died October 19. The HRC formally adopted the Resolution October 24, 1985.

- To all HRC Commissioners and staff, a Memorandum from Jack Casford informing of the regular meeting schedule for January-June, 1986.

- From M.H. Geistlinger, Director of Purchasing and Services, Purchasing Department, Office of the Director, with suggestions for "some additional refinements worthy of consideration" in the proposed revisions of the Rules and Regulations for Fiscal Year 1985-86, for the Minority/Women/Local Business Enterprise ordinance, Chapter 12D of the San Francisco Administrative Code. See comment and action below regarding these revisions under MBE/WBE Advisory Committee report.

- From Grant S. Mickins, A Memorandum to HRC Commissioners and staff expressing his and his family's appreciation for condolences offered during the loss of his Mother, Mrs. Fannie Mae Mickins.

DIRECTOR'S REPORT

- HRC Budget-Order to Rescind Portion of Funding.

The Director and staff have been attending meetings with the Finance Committee (anticipating a 1986-87 Funding Report) of the Board of Supervisors November 13, 1985 with followup appearances scheduled for November 14 and 15, to defend retention of some $98,000 (of a total $1,400,000 earlier granted by the City) in budgeting that the City proposes to cut. Mr. Mickins said that the Budget Analyst for the City has recommended such cuts for all City departments, and that such so-called "surplus" funds be restored to the General Fund. These monies, in the case of the HRC, are:

$55,000 in permanent salaries

$13,000 in temporary salaries

$30,000 in mandatory fringe benefits.

Mr. Mickins said the loss of this much money poses a serious operating problem for the HRC. He noted that the Office Manager, who is integral to the HRC's budgetary process, is away on vacation, and that other staff have been assisting in making the HRC presentations before the Finance Committee.

The Commission on the Status of Women also is faced with a $26,000-to-$30,000 fund loss, he said. He would appear before the Finance Committee at 2 PM to argue against these funding reductions.

- AIDS Ordinance

Article 38 of the San Francisco (Police Code) Municipal Code) as proposed "to prohibit discrimination against persons suffering from the medical conditions AIDS or any medical signs or symptoms related thereto" passed the Second Reading at the Board of Supervisors November 13, 1985, and Commissioner Lyon reported that Mayor Feinstein is prepared to sign it. A discussion and HRC endorsement of the then-proposed ordinance took place at the HRC October 24, 1985 meeting.

Director Mickins announced that Supervisor Britt's office staff (the Supervisor introduced Article 38 at the Board) is working with the HRC staff to prepare a resolution to be introduced November 18 at the Board supporting additional funding to the HRC to provide staff to meet the expected complaint caseload that will be generated by this measure. The Director reported that in Fiscal Year 1984-85, the HRC had a total of 20 AIDS-related complaint cases filed with the HRC's two-person professional Lesbian/Gay liaison staff, whereas, in the first quarter of FY 85-86 alone, 20 such cases have (for alleged AIDS-related discrimination) been filed, resulting in backlog. Now that a remedy is becoming part of City policy, and the HRC is named as the implementing agency, this caseload can be expected to increase substantially.

See further discussion below under the Lesbian/Gay Advisory Committee report.

CHAIRPERSON'S REPORT

- Implementation of HRC Goals.

The Chairperson recalled asking each Standing Committee to devise some means of implementing the goals established by each for Fiscal Year 1985-86. She asked that each Standing Committee bring to the December 12, 1985 regular meeting of the HRC the means by which they propose to implement those goals. In addition, regarding the education of individual Commissioners in areas of expertise with which all are not familiar, the Chairperson suggested that each Standing Committee might prepare presentations for the HRC (one for each of several upcoming regular meeting). She saw this, she said, as a means by which not only information can be shared, but questions and answers given that would be instructive to all.

Commissioner Martin said the Employment Committee had discussed this same idea for internal education for its members.

- Presentations on Diverse Community Backgrounds.

The Chairperson asked if the Commissioners could prepare brief presentations giving highlights of lifestyles and backgrounds of the varied communities they represent in the City, in order that the HRC might more fully carry out its mandate with different constituencies and groups in the City. Staff input also was suggested in this context.

*****She asked the Director to help her prepare a Memorandum to this effect.

STANDING COMMITTEES

EMPLOYMENT
Commissioners George Suncin/Larry Martin, Co-Chairpersons

- Proposed Adoption of Policy Amendment to the HRC's Affirmative Action Programs for Construction Contracts and for Architecture/Engineering (A/E) Consulting Contracts-Gail Roberts

Copies of the proposed Policy Amendment in full were provided in advance of this meeting to the Commissioners. It was adopted by the Employment Committee at its November 7, 1985, on the recommendation of Mara Rosales, Deputy City Attorney.

Ms. Roberts said the proposed Policy Amendment does not represent any change in the present practice, nor does it change either of the two Affirmative Action programs as they now stand. It is, she said, simply a clarification that the HRC can, under its powers currently held under Chapter 12D, the MBE/WBE/LBE Ordinance, restrict certain benefits and programs to companies that are defined in the Rules and Regulations as "small". The HRC, she said, is continuing a practice of limiting the Construction and Architecture/Engineering contract benefits to programs that meet the dollar limits that apply to "small", as defined in the Rules and Regulations.

When a Quorum was established later in this meeting, it was

****m/s/c that the HRC adopt the Policy Amendment to the HRC's Affirmative Action Programs for Construction Contracts and for Architecture/Engineering(A/E) Consulting Contracts. The vote was unanimous.

ADMINISTRATIVE
Commissioner Esta Soler, Chairperson

- Hispanic/Latino Community Concerns-Task Force

For Commissioner Soler, who was unable to be present, Commissioner Yamakawa reported that the October 29, 1985 meeting of the Committee considered what HRC body would be utilized to implement the FY 85-86 HRC priority "Responsiveness to Hispanic/Latino Community Concerns."

As background, the Administrative Committee then chaired by Commissioner Moulton, met with a number of Hispanic community, Hispanic staff of the HRC, Director Mickins, and Hispanic/Latino community leaders, HRC Hispanic staff members, Director Mickins, and the late Stanley Lim.

The priority had been adopted June 27, 1985 by the HRC and at that time assigned to the Social Issues and Police Liaison Committee. At the August 8, 1985 HRC meeting, Chairperson Wade named Commissioners Moulton, Rosselli, and Yamakawa to an ad hoc committee to consider Hispanic/Latino concerns.

The Administrative Committee now, Commissioner Yamakawa said, requests that Chairperson Wade activate the ad hoc committee named August 22. Commissioner Moulton was not present at the October 29, 1985 Administrative Committee meeting.

Chairperson Wade responded by stating that one of the problems in this action would be to take what is a primary function of the Social Issues and Police Liaison Committee away from it, and "dilute" its purpose. In addition, she said, the HRC had received substantial feedback from other ethnic communities that they felt setting up a single committee for one ethnic group was divisive and polarizing. She then suggested that there be established an ad hoc Concerns Committee, more broadly-based, to consider different community problems and issues. This, she said, is part of the HRC's charge to bring communities together. She then proposed that the broader-based committee be established and, as initiated by Commissioner Revelo, it was

*****m/s/c that the HRC establish an ad hoc Ethnic Minority Concerns Committee to consider problems and issues affecting ethnic communities in general in the City. The vote was unanimous.

- To Commissioner Yamakawa's inquiry, the Chairperson stated that the Hispanic/Latino community concerns raised by Commissioner Moulton would still be addressed, but that the new ad hoc committee would also be empowered to handle concerns brought by any other ethnic group, so that there is a forum available for all.

LESBIAN/GAY ADVISORY
Commissioners Phyllis Lyon/Sal Rosselli, Co-Chairpersons

- Committee Report-Jackie Winnow

1. Ms. Winnow repeated Director Mickins' report that staff is working with Supervisor Britt's office in the drafting of a resolution to be proposed to the Board of Supervisors November 18, 1985, for additional staff to work at the HRC in handling the expected increased caseload of AIDS-related complaints.

2. Stanford University Law School Policy Change

The HRC had sent a letter to Dean John Hart Ely of the Stanford Law School, in action taken at its September 26, 1985 regular meeting, expressing dismay about a May 1985, memorandum of the school stating its policy to the effect that as regards employers recruiting students on campus, those that discriminate on the basis of sexual preference are not barred from Stanford placement services. This letter, and the issue, were the subject of an exchange of commentary at HRC regular meetings of October 10 and October 24, 1985.

Ms. Winnow said that Stanford University reportedly has changed its policy regarding recruitment subsequently and that she has written to Dean Ely asking for a copy of this change.

MBE/WBE ADVISORY COMMITTEE

Commissioners David K. Yamakawa Jr Chairperson

Recommended Adoption of Rules and Regulations FY-85-86 MBE/WBE/LBE Ordinance-Gail Roberts

Copies of the descriptive Table of Contents and of the 33-page Rules and Regulations FY 85-86 Minority/Women/Local Business Enterprises, Chapter 12D of the San Francisco Administrative Code, were provided in the Commissioners' meeting packets.

Commissioner Yamakawa announced that the Committee has completed its review of this material, the first such review since the ordinance went into effect, in August of 1984.

Ms. Roberts introduced Sandra Crumpler, Outreach Officer , Airport Commission, and Mara Rosales, Deputy City Attorney, who had made a detailed study of the documents and submitted substantial typographical corrections, chronological format suggestions, and clarifying deletions, in order, she said, to make Chapter 12D consistent with Chapter 12B.

Commissioner Yamakawa noted the large number of suggestions that had come to the Committee from various City departments regarding the Rules and Regulations, and apologized for the lateness of providing the materials to the Commissioners.

He noted that the document provided in the packets was not inclusive of the changes recommended by Ms. Rosales.

Commissioner Yamakawa asked that Ms. Roberts discuss all the changes requested to be made in the document in summary fashion, noting that some had arrived between the last meeting of the Committee and this HRC meeting.

She then detailed some changes and deletions recommended by the Purchasing Department.

Ms. Rosales came to the podium to discuss various points regarding her recommended changes in the Rules and Regulations, emphasizing the need to have both Chapter 12D and 12B consistent in their terminology and procedural guidelines.

This discussion was extended, concentrating on details of the proposed changes and the reasons for them.

Director Mickins reminded the HRC that the Purchasing Department's November 8, 1985 Memorandum from M.H. Geistlinger, Director of Purchasing and Services, has said that if the Rules and Regulations were not adopted as proposed at this November 14, meeting, "there may be additional refinements worthy of consideration, but we do not wish the Commission's schedule to be delayed for this reason."

Commissioner Yamakawa commented that it was difficult for the HRC members to address something not in writing before them, and that a verbal discussion of changes, as in the Rules and Regulations, made their task of adoption (and approval) more complicated. Given also the circumstances that 12B Rules and Regulations changes come to the HRC with recommendations of the Employment Committee, and that 12D Rules and Regulations changes on recommendations of the MBE/WBE/LBE Advisory Committee, on his initiative, it was

*****m/s/c that the HRC table further action on these recommendations to the HRC regular meeting of December 12, 1985 until the two cited Committees could see all the changes in writing.

- Deputy City Attorney Rosales announced that she is currently in the process of responding to a brief (appeal) filed by the Associated General Contractors in the Ninth Circuit Court of Appeals. This is an appeal to a Summary Judgment issued by that court in early 1985, affirming an earlier ruling by the U.S. District Court denying the AGC request for a temporary restraining order to prevent the City from enforcing Chapter 12D.

- Commissioner Chung requested that in the future, Commissioners be sent only the changes proposed in any given document.

*****Commissioner Yamakawa requested that all members of the Employment and MBE/WBE/LBE Advisory Committees be sent copies of the written changes proposed in the document (s).

SOCIAL ISSUES AND POLICE LIAISON COMMITTEE

Commissioners Samuel Chung and Joan Zamora Moulton
Co-Chairperson

- Committee Report

The next meeting will be Monday, November 18, 1985 at 3:30 PM in Room 509 of the HRC Offices, 1095 Market.

- Report and Final Determination on the Sgt. Louis Calabro Complaint Case-Grant S. Mickins

Commissioners' packets contained copies of the Director's Recommended Decision of the Social Issues and Police Liaison Committee in the Case of Louis E. Calabro, SFPD vs. City and County of San Francisco.

This recommended Decision was written by Director Mickins after consultation with the City Attorney. Sgt. Calabro alleges a violation of Article 33, Section 3303 of the Municipal (Police) Code, prohibiting discrimination based on sex. He first filed a complaint with the HRC in writing September 8, 1985. On September 25, 1985, the Director issued a written determination and Finding dismissing the Complaint (that the Mayor's action publically honoring women serving on the Police Force was discrimination against male Police Officers) as without merit.

On October 10, 1985, Sgt. Calabro appeared at the regular HRC meeting and protested the Director's Finding. The HRC referred the matter to the Social Issues and Police Committee, which convened a special session to hear the Sgt.'s appeal. The Committee was co-chaired by Commissioner Chung and Moulton. The City Attorney reviewed the Committee's recommendations November 12, 1985 and concurred with the Director's Finding on the inapplicability of Article 33.

- Commissioner Weiner asked a point of order, on the basis that Commissioners had only that morning received copies of the Director's Recommended Decision, that Sgt. Calabro (who had been advised by staff in advance of the date of this HRC meeting and the agenda item on his complaint) had not had a copy in advance, and that the HRC had present only seven members, less than a Quorum.

On his recommendations, therefore, it was

*****m/s/c that the HRC table discussion and action to its regular meeting of December 12, 1985. The vote was unanimous.

Commissioner Weiner emphasized that his action was not to delay the consideration of the complaint, but rather that all parties might be well advised in advance of its details and that there be a wider representation of Commissioners present.

Sergeant Louis Calabro was present. He requested a copy of the tape recording of his remarks at the HRC's October 10, 1985 regular meeting and was told he could come to the office and make a copy. He also protested the Director's consultation with the City Attorney, saying in effect that this was asking the City's legal counsel whether the City's action (the Mayor's public ceremony honoring women Police

Officers) was legal. He was advised that the City Attorney's advice to the Director and Committee was not in written form. He had requested a copy of any written material.

NEW MATTERS

- Nominating Committee.

Chairperson Wade named Commissioners Weiner (chairperson), Lyon, and Martin as the Nominating Committee to draw up a slate of officers for the HRC to be selected at the first January meeting in 1986.

OLD MATTERS

- Stanford Law School Issue--Commissioner Morrissey Commentary.

Since Commissioner Morrissey and Rosselli were absent, Commissioner Lyon asked that consideration of allegations she and Commissioner Rosselli made about what they considered derogatory by Commissioner Morrissey at the October 24, 1985 regular meeting of the HRC be considered at a subsequent meeting.

- Youth and Education Committee Staffing.

Director Mickins announced that Bettye Burrell has been named to staff the Youth & Education Committee, succeeding Beatrice Cardenas-Duncan, who has left the HRC staff.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, December 12, 1985 at 10:15 AM in the Third Floor Commission Room of the Main Library. The November 28, 1985 meeting falls on Thursday, Thanksgiving Day, a Legal Holiday, and the meeting is therefore cancelled.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, November 27, 1985 5:30 PM Room 509, HRC Office, 1095 Market Street
EMPLOYMENT	Thursday, December 5, 1985 9:30 AM 1850 Mission Street
YOUTH AND EDUCATION	Thursday, November 21, 1985 3:45 PM State Building, 350 McAllister Street, Room 1200
SOCIAL ISSUES AND POLICE LIAISON	Monday, November 18, 1985 3:30 PM HRC Office, Room 509, 1095 Market Street

LESBIAN/ GAY ADVISORY	Tuesday, November 19, 1985 5:30 PM-7:30 PM Room 1200 State Building 350 McAllister Street
MBE/WBE/LBE ADVISORY	Thursday, November 21, 1985 3:30 PM Civic Center Library, Commission Room

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins via
Jack Casford

GSM:JC:bclp

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, December 12, 1985
Commission Room, Main Library
Civic Center

NEXT MEETING

The meeting scheduled for Thursday, December 26,1985 has been cancelled.

DATE: Thursday, January 9, 198~~5~~6
TIME: 10:15 AM
PLACE: Third Floor, Commission Room
Main Library, Civic Center

ROLL CALL

Commissioners

Present: Brenda Wade (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, John Morrissey, John Moylan, Joan Zamora Moulton, Nicerita Revelo, Esta Soler, George Suncin.

Excused: Corrine Lee, Larry Martin, Sal Rosselli, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Staff

Present: Grant S. Mickins, Frank Anderson, Bettye Burrell, Jack Casford, Eillen Gillis, Clemente Newball-Obregon, Dick Norton, Pansy Ponzio Waller, Gail Roberts, Fern Schneiderman (student intern), Mary Gin Starkweather, Sue Steiner, (student intern), Kevin Williams, Jackie Winnow, Gary Wong.

Mara Rosales, Deputy City Attorney
Margaret Kisliuk, Mayor's Office Liaison.

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Pledge of Allegiance

Minutes of the Meeting of Thursday, November 14, 1985 approved.

Minutes of the Meeting of Thursday, October 10, 1985 approved. See under Old Matters below in these Minutes.

COMMUNICATIONS

- From Louis E. Calabro, Sergeant of Police (San Francisco Police Department), requesting that ..." any Commissioner who participated in or was involved directly with the action that resulted in my complaint be asked to abstain from participating as a Member of the Human Rights Commission." See under Social Issues and Police Liaison Committee report below in these Minutes.

- From Roger Boas, Chief Administrative Officer, Chairperson, Capital Improvement Advisory Committee, a copy to the Director of a report entitled "Review of the City's Infrastructure" sent to the Mayor and the Board of Supervisors.

- From Mayor Feinstein, a copy of her letter to President Supervisor John L. Molinari and other members of the Board, transmitting her signed copy of amendments to the Municipal Code that prohibit discrimination against those suffering from AIDS.

- From Charleen Maghzi, Secretary, Spiritual Assembly of the Bahai's of San Francisco, transmitting a statement, "The Promise of World Peace", from the international Baha-i institution known as the Universal House of Justice, and asking to present it to the Director and the HRC at a regular meeting.

- From Mayor Feinstein, to Chairperson Brenda K. Wade, and HRC members, stating that she would review requests for additional staff and resources vis 'a vis the passage of the AIDS Discrimination Ordinance, which names the HRC and its staff as the City Agency to investigate and mediate complaints. The Mayor stated that the costs of additional staff and resources should be included within the HRC General Fund budget increment, and that "...prospects for additional funding are unlikely."

- From Mayor Feinstein to all Department Heads, a Memorandum requesting each City department to implement a safety belt usage policy for all City vehicles. The State's mandatory seat belt law becomes effective January 1, 1986.

- From Mayor Feinstein, her review of the 1984-1985 Management-by-Objectives performance of the HRC. The Mayor said that the MBO data reflects significant achievements, including:

-- Reduction in all categories of the number of days needed to resolve complaints.

-- Effective HRC monitoring of the MBE/WBE/LBE Ordinance in the first full year of legislation.

-- HRC investigation of 336 housing-related complaints and 319 tenant-landlord complaints.

-- "Herculean" efforts by the Lesbian/Gay Unit to address complaints related to AIDS and sexual preference.

The Mayor also commended the HRC for anticipating future needs, addressing them with existing resources, and working with other City agencies to coordinate responses efficiently and effectively.

- From Supervisors Harry Britt, Willie Kennedy, and Doris Ward, advising discussion by the Finance Committee of the Board of Supervisors of legislation prohibiting City government as a whole from investing or depositing money, contracting for any services, or buying any merchandise from businesses with ties to South Africa. The discussion was December 11 at 2 PM in the Legislative Chambers at City Hall.

- From Richard A. Clarke, President, Pacific Gas and Electric Company, thanking the Director for conveying the HRC's commendation of PG and E's receipt of a National Corporate Award for efforts to achieve equal opportunity in its purchasing programs. Commissioner Morrissey had called this to the attention of the HRC at its regular meeting of October 10, 1985.

CHAIRPERSON'S REPORT

- Chairperson Wade announced that all staff and Commissioners and their spouses and "significant others" are invited to a Holiday Party at her home Saturday, December 14, at 7 PM. Notice had been sent two weeks in advance. A map showing how to reach the home was circulated.

- Article 38-AIDS Discrimination Ordinance/Staffing Resolution.

This proposed legislation was approved by the Board of Supervisors' Health and Human Services Committee December 11.

The HRC is named in Article 38 of the San Francisco (Police) Municipal Code as the agency to investigate and mediate complaints brought to it regarding discrimination against persons suffering from AIDS. The measure passed the Board of Supervisors November 13, 1985, and the Mayor has signed it.

Supervisors Britt's office had, with assistance from the HRC's Lesbian/Gay Advisory staff, drafted a resolution for additional staff (one professional position) to work at the HRC in handling the expected increased caseload of AIDS-related complaints.

The Board's Health and Human Services Committee approved the resolution December 11 and it will go to the Board December 16. Commissioners were urged to communicate their concern about the importance of providing this staff resource to the members of the Board before December 16.

It was

******m/s/c that the Director be authorized to write on behalf of the HRC to Mayor Feinstein to approve the resolution if passed. The vote was unanimous.

- Departure of Margaret Kisliuk, Mayor's Office Liaison to the HRC.

Ms. Kisliuk, who has been liaison to the HRC from the Mayor's Office for approximately two years, is leaving to become Executive Assistant to the Director of the Department of Public Health.

It was

******m/s/c that the HRC send a commendation and thank-you letter formally to the Mayor for the many good offices of Ms. Kisliuk on behalf of the HRC.

- Point of Personal Privilege---Commissioner Moulton.

Commissioner Moulton requested time to make a statement.

The Commissioner said she was upset and concerned that there continue to be no Latinos/Latinas in leadership in the HRC. She said she had received communications to the effect that she had characterized as recent HRC staff changes as a "Black/Brown situation" vis 'a vis Civil Service examinations for permanent staff professional positions. She said she wished fellow Commissioners to know that Ms. Beatrice Cardenas-Duncan was not her personal candidate for the Coordinator ("Deputy Director" was the term the Commissioner used). " My recommendation for the Deputy Director...has been Maria Caldera", Commissioner Moulton said.

The Commissioner continued to express concerns about a number of rumors about what she had said or done in the time referred to above. She said she continued to be concerned about the lack of Latino/Latina leadership at the HRC, as the community is the largest ethnic community in the State, yet "no one really cares" about it.

She urged that the HRC start to look at itself as a human rights advocacy agency.

NOTE: These are excerpts from and summaries of the Commissioner's remarks only.

STANDING COMMITTEES

SOCIAL ISSUES AND POLICE LIAISON
Commissioners Joan Zamora Moulton and Samuel Chung, Co-Chairpersons

- Recommended Adoption of Letter Urging President Reagan not to Rescind Executive Order 11246--Enrique Valenzuela, Mexican-American Legal Defense Fund

Executive Order 11246, issued by President Lyndon Johnson in 1965, basically requires government contractors to adopt nondiscrimination policies and comply with them. It is the keystone upon which have been built many local and State contract compliance/affirmative action programs, including the San Francisco Human Rights Commission.

The Social Issues and Police Liaison Committee, with human and civil rights agencies all over the country, had learned that Domestic Policy Council of the Administration had sent the President three options: issuing a new executive order permitting "the voluntary use of goals and timetables", revising Labor Department regulations to prohibit mandatory "quotas", or issuing a new executive order making no mention of goals and timetables.

Director Mickins already had written a letter as Director to the President, with copies to Council members Attorney General Edwin Meese, Labor Secretary Bill Brock, William Bradford Reynolds, Assistant Attorney General for Civil Rights and Clarence Pendleton, Chairman of the U.S. Commission on Civil Rights urging that Executive Order 11246, the original version, be retained and strengthened and supported.

Mr. Enrique Valenzuela, of the Mexican-American Legal Defense and Educational Fund (MALDEF), a member of the Social Issues Committee, appeared before the HRC. He distributed background materials, a fact sheet, and copies of recent newspaper articles. MALDEF joins such institutions as the National Association of Manufacturers, the American Jewish Congress, the Leadership Conference of Civil Rights,and 61 U.S. Senators (Republicans and Democrats) in communicating support of Executive Order 11246 to the President.

Mr. Valenzuela reported that articles in the Los Angeles Times, the New York Times, and the Wall Street Journal on December 11 reported that either a compromise has been reached on the three options reported in October, or that the Presdient will retain the executive order requiring affirmative action hiring goals for government contractors.

It was then

*****m/s/c that the HRC write to the President, urging that he retain Executive Order 11246 as is.

- Observances for Dr. Martin Luther King, Jr.'s Official Birthday, January 20, 1986.

The HRC is participating in planning of a local Birthday Observance Committee, headed by the Rev. Cecil Williams. Dr. King's birthday will become a national legal holiday for the first time in 1986, and ceremonies and marches and services will be held nationwide. In San Francisco, the observances will culminate in a march on Monday, January 20 beginning at 11AM from the foot of Market Street to the Civic Center Plaza.

- Channel 25 Proposal.

The Committee has supported a proposal by Supervisor Nancy Walker that there be set up a nonprofit community production-managagement corporation to operate Channel 25, a public access station.

- Sergeant Louis E. Calabro Complaint Appeal Case.

Sergeant Calabro was present for this, the fourth time the HRC had considered his complaint for action on the Director's Recommendation (Finding) for its dismissal.

The Sergeant had first filed with the HRC in writing September 8, 1985. The Director's written dismissal was issued September 25, 1985, to the effect that the Mayor's action publicly honoring women serving on the Police Force was not discrimination against male Police officers as Sgt. Calabro claimed.

The Sergeant protested this Decision at the HRC October 10, October 24, and November 14 HRC meetings. At the latter meeting, Commissioner Weiner had recommended that action be postponed to December 12. He was not present at this meeting.

Director Mickins was advised in his Decision verbally by a Deputy City Attorney.

Sergeant Calabro at this, the December 12 meeting of the HRC, distributed copies of a letter asking the HRC to reject the Report of the Social Issues and Police Liaison Committee. He made a further point, that anyone who had participated in any way in the action he was protesting (the Mayor's public ceremonies honoring women Police Officers) should abstain from any HRC action on his complaint.

Commissioner Lyon said she believed Sgt. Calabro was referring to herself, as she had been part of a committee recommending the commendation ceremony for women Police Officers. She said she had reviewed the matter carefully and that she felt she had no conflict of interest.

She said it was up to the Commission to determine if there was a conflict of interest.

The Sergeant, when asked, said that he intended to file suit in Superior Court on his complaint. He protested the recommended Decision of the Committee and the Director anew. He said, however, that "generally the (HRC) had been pretty decent to me about it", though he felt still it was an important issue.

Director Mickins said there was no provision in the HRC's Chapter 12A ordinance that required any Committee members who had heard the issue to abstain from voting in a full HRC action.

Commissioner Moulton reminded the Sergeant that all members of the HRC are obligated to vote on all decisions, and that none can abstain.

Commissioner Morrissey commented that the HRC was acting as a quasi-legislative body on the matter, and that legislators are not required to excuse themselves because of a conflict of interest.

It was then

*****m/s/c that the HRC support the Decision of the Social Issues and Police Liaison Committee affirming the Director's Finding of September 25, 1985 that Article 33, Section 3303, of the San Francisco Municipal (also called Police Code) was inapplicable as cited by the sergeant in his complaint and dismissing the complaint. The sergeant may pursue his grievance through a writ of mandate in Superior Court or through other available remedies at law.

ADMINISTRATIVE
Commissioner Esta Soler, Chairperson

- Presentation of the Concerns of the Executive Board of the National Association for the Advancement of Colored People---Grandvel Jackson, President, San Francisco Chapter.

Mr. Jackson, a interim committee member of the early formation of HRC and who was a member of the first professional staff of the Human Rights Commission as a Human Relations Representative from 1964 to 1968, had written to Chairperson Wade and the Director on October 24, 1985 requesting an appearance before the HRC to discuss the deeper involvement of the NAACP "...to ensure the long-stated objectives for Blacks and others that fall without your responsibilities."

Mr. Jackson, after brief referral to his role in establishing the Human Rights Commission, announced that his subject would be: Blacks and how they fare in San Francisco.

He said that Blacks have been neglected in favor of other minorities and others for the last few years, "...I think because we've been quiet."

He expressed appreciation of the fact that the Director and Chairperson of the HRC are Black. He said he was not present to indict anyone, but that Blacks are "the last hired and the first fired." He referred to the heavy backlog of complaints in his office of unjust conditions for Black people. He said that informal estimates of Black employment range from 20% for adults to 50% for youth.

He said he requested the HRC to report to the NAACP whether "what we suspect is fact." He cited needed support in the integration struggle led by the NAACP, and urged that the Youth & Education Committee involve itself more deeply in better education for all young people, particularly Black young people.

Mr. Jackson cited the relationship between employment and crime, and stressed the urgent need for training for entry-level jobs for Black youth. He asked why society reacted to the disturbances of 1963, to social disruption; but not to "reasonable negotiation without conflict."

Mr. Jackson made the following suggestions:

1. Care that the HRC continue to be responsible for monitoring Police actions and the MBE/WBE/LBE Ordinance implementation. Rather than, as he said, being "pre-empted by other commissions."
2. That the HRC be permitted to provide special legal services.
3. That the HRC be the central agent for Affirmative Action in MBE/WBE/LBE Ordinance implementation.
4. Notification to the NAACP when vacancies occur on the HRC and on staff.
5. Wider Black participation on Standing Committees, particularly the Youth and Education Committee. Commissioner Revelo, Co-Chairperson of the Youth a

Education Committee, said she would be willing to consider all applications and Mr. Jackson said he had a woman candidate now.

6. More emphasis on training for and placement in entry level positions in the San Francisco labor market for Blacks, who, he said, are grossly under-represented.

7. Setting up more training programs not only for Blacks but for other minorities, including women.

8. Attention to a growing number of complaints received at the NAACP regarding Department of Public Health hospitals and facilities.

9. Setting up of a meeting with the Administrative Committee of the HRC.

- Director Mickins and Chairperson Wade each thanked Mr. Jackson for his presentation, and it was announced that the Administrative Committee would be detailed to take these recommendations under consideration and to establish and maintain close liaison with the Executive Board of the NAACP.

Mr. Jackson introduced Mr. Jim Belk, Economic Development Specialist of the NAACP.

- Recommended Resolution Establishing an Office of Minority and Women Business Development Within the HRC.-Commissioner Soler.

Copies of the proposed Resolution were provided the Commissioners. It notes that presently the office structure and work is divided between two primary organizational functions, the Office of Dispute Resolution and the Office of Contract Compliance. With the added responsibility assigned the HRC of implementing a Minority and Women Business Development Program as a result of passage of Chapter 12D, (the Minority/Women/Local Business Enterprise Ordinance (139-84)), the HRC, in order to continually assess and evaluate this responsibility, feels the need to establish a separate Office of Minority and Women Business Development internally.

Director Mickins said this would permit the HRC office to be reorganized internally to meet the increased demands on staff to implement the Minority and Women Business Development Program.

- Commissioner Moulton said she hoped the people included under the Program implementation staff would be properly sensitive to historical discrimination patterns.

Mr. Ben Kawamura, Assistant Program Manager, Minority Business Development Program, City Purchasing Department, addressed his concerns to the HRC about this recommendation Resolution. He said that the Program he works on has a fulltime HRC Contract Compliance Representative (Linell Harden) as well as two other professionals and one worker. He said he felt there was the possibility of confusion among City departments at large if two separate offices were to be designated as operating the implementation. He said the Program at Purchasing is funded for $100,000 from the federal Minority Business Development unit of the U.S. Department of Commerce. He said cooperation between the HRC and the City Purchasing Department is good, and that at this early stage in existence of Chapter 12D and the Program there may be confusion. He cited the outreach work of City Purchasing with other City departments via training workshops already held and contemplated.

Commissioner Soler commended the City Purchasing Department's program for its work to date and said it would be good if eventually every City department's having an ongoing, functioning Minority Business Development arm.

To Mr. Kawamura's concerns, she said that the Administrative Committee could work out details on how the public is to be kept apprised of where responsibilities lie, where they can get help and information, what staff are responsible in what areas, and so forth.

Director Mickins echoed his comments, saying that the intent of the proposed Resolution was to facilitate smoother functioning internally as well as to make certain that City departments are served fully, without intruding into the functions assigned City Purchasing under the Commerce Department grant.

Chairperson Wade invited Mr. Kawamura to continue to work with the Administrative Committee regarding his concerns.

It was then
*****m/s/c that the HRC adopt the Resolution Establishing an Office of Minority and Women Business Development Within the Human Rights Commission.

The full text of this Resolution is attached to these Minutes.

MBE/WBE ADVISORY COMMITTEE
Commissioner David K. Yamakawa Jr. Co-Chairperson

- Presentation of "Between a Rock and a Hard Place"A Study, with Recommendations, of the Impacts on Minority-owned, Women-owned, and Small Businesses of Bonding, Insurance, and Other Fee-related Requirements of Departments and Agencies of the City and County of San Francisco for Businesses Entering into Contracts with Such Agencies-Patsy G. Fulcher, representing Aileen C. Hernandez Associates.

This study, finished September 30, 1985, was performed under contract to the HRC. With appendices, it comprises 117 pages.

Ms. Fulcher went through the individual Summary of Findings (eight) and the Summary of Recommendations (ten) point-by-point, all of which came out of the exhaustive study which covered City agencies, departments, and contracting authorities, sent questionnaires, conducted interviews face-to-face and by telephone, facilitated two focus group sessions with insurance and bonding industry representatives, analyzed resulting data, and interviewed representatives from other Bay Area counties.

Among the recommendations were:

1. That the HRC convene staff in each agency with contract administration responsibilities to review existing requirements, discuss their rationale, and standardize procedures for waiving and/or altering requirements in specific situations.

2. That the HRC arrange meetings from City representatives and insurance and bonding industry representatives to discuss "reasonable standards" of coverage, and explore alternative approaches to minimizing the anticipated risk.

These grew out of some of the findings which included:

1. That there is adverse impact on MBEs and WBEs because of the City's requirements for high limit insurance, bonding, and fees.

2. There is a difference in the perceptions of City agencies and potential/actual contractors concerning the impacts of financial requirements.

The study, Ms. Fulcher pointed out, recommends a three-pronged approach to enhance Chapter 12D:

-- dissemination of clear, standardized information about City contracting.

-- improvement of the capacity of MBEs and WBEs to bid and perform on City contracts through targeted educational efforts.

-- provision of emergency, short-term financial assistance to capable businesses in need of temporary help.

With thanks to Ms. Fulcher and praise to the Aileen C. Hernandez Associates for their superior work on the study, it was

*****m/s/c (unanimously) that the HRC adopt the study, "Between a Rock and a Hard Place", and its recommendations.

- Commissioner Morrissey was advised, in response to his inquiry, that estimates of the costs of implementing the recommendations would be devised at a later date.

- Adoption of MBE/WBE/LBE Ordinance Rules and Regulations for Fiscal Year 1985-1986. Gail Roberts

This action was continued from the November 14, 1985 HRC regular meeting.

Documents showing the Changes to the Rules and Regulations were provided the Commissioners in advance.

Mara Rosales, Deputy City Attorney, who has worked closely with staff and the Committee on writing the documents, was present.

It was then

*****m/s/c that the HRC adopt the Minority/Women/Business Enterprises, Chapter 12D of the San Francisco Administrative Code, Rules and Regulations Fiscal Year 1985-1986, with the changes/amendments as previously approved by the Committee and HRC. The vote was unanimous.

YOUTH AND EDUCATION

Commissioners Rabbi Martin S. Weiner/Nicerita Revelo-Co-Chairpersons

- Proposed Resolution Supporting Revival of San Francisco's After-School Playground Program.-Bettye Burrell

The proposed Resolution grew out of the Committee meeting from the November 18, 1985 meeting, and it notes that because of budget cuts following the passage of Proposition 13, the property-tax cut some years ago, 3,000 school children who had participated in supervised playgrounds, and 1,100 youth attending evening gym programs were denied these amenities when the programs had to be ended. The Resolution urges that the School District revive the program utilizing school playgrounds with supervision.

It was

*****m/s/c that the HRC adopt the Resolution Supporting Revival of San Francisco's After-School Playground Program. The vote was unanimous. The full text of this Resolution is attached to these Minutes.

LESBIAN/GAY ADVISORY

- AIDS Discrimination Public Hearings by HRC. -Jackie Winnow.

Following is the text of a Fact Sheet prepared by the Lesbian/Gay staff:

AIDS DISCRIMINATION PUBLIC HEARINGS

I. Purposes

A. To understand the extent and areas of focus related to AIDS-based discrimination in order to determine the needs of persons, as well as institutions, facing such discrimination, with the aim of establishing ameliorative remedies in the City and County of San Francisco. Areas to be considered: employment, housing, insurance, public accomodations, health services and research education, blood testing and confidentiality, correctional facilities and children's rights.

B. To increase public awareness of the problems and issues raised by discrimination based on AIDS, with special attention paid to the frequently- overlooked populations, i.e., third world, youth, seniors, women, and people with ARCS.

C. To show a need for edcuation and legislation to combat the problems arising from discrimination based on AIDS in the areas discussed above.

D. To show a need for program development, funding, and staffing to combat the problems arising from discrimination based on AIDS.

E. To educate the public as to resources presently available to handle AIDS discrimination problems.

II. Goals

A. To recommend to City officials and government and private agencies ameliorative methods based on testimony from the hearings.

B. To encourage complete and expedient provision of services to all individuals suffering from the effects of AIDS discrimination.

C. To anticipate and discourage future discrimination through support of effective education and legislation.

D. To document the type and number of AIDS discrimination cases.

Ms. Winnow said that two dates in February are suggested, and, after an inability to come to a decision on which dates were most convenient to the members of the HRC, it was decided to let staff work them out.

The following agenda items scheduled for this meeting were postponed to the next regular HRC meeting January 9, 1986:

-- Goals and Priorities--Lesbian/Gay Advisory Committee
-- Report on Sexual Orientation Discrimination FY 84-85.-Eileen Gillis

EMPLOYMENT
Commissioners Larry Martin/George Suncin-Co-Chairpersons

- Department of Social Services Subcontractors Report-Mary Gin Starkweather.

This report was postponed to the next regular HRC meeting January 9, 1986.

NO NEW MATTERS

OLD MATTERS

- Commissioner Rosselli and Lyon had objected to a remark they considered derogatory to Lesbian and Gay people made by Commissioner Morrissey at the October 10, 1985 HRC regular meeting. At the October 24, 1985 meeting, Commissioner Rosselli objected to the account carried in the October 10, 1985 Minutes on this incident, and their approval was postponed until Commissioner Morrissey returned from a month-long vacation, and until a transciption was made by Jack Casford from the October 10, 1985 meeting. The verbatim transcription was made October 28, 1985 by Mr. Jack Casford and copies sent to Commissioners Lyon, Rosselli, Morrissey and Wade. Commissioner Morrissey on October 24, 1985 had sent materials documenting the background for his comment to be distributed to Commissioner Rosselli and Lyon.

Commissioner Lyon at this December 12, 1985 meeting said that it seemed obvious from the transcript that Commissioner Morrissey hadn't meant to make a disparaging remark about the Lesbian/Gay community, but that he had made an "unfortunate choice of words", and that there was no malice intended. She suggested that this was her opinion, and noted that Commissioner Rosselli was not present.

The Commissioner suggested that the Minutes of Cotober 10, 1985 stand as written.

Commissioner Morrissey said he had no objection to this suggestion.

It was then

*****m/s/c that the Minutes of October 10, 1985 be approved.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, January 9, 1986 at 10:15 AM in the Third Floor Commission Room of the Main Library.

The meeting scheduled for Thursday, December 26, 1985 has been cancelled.

STANDING COMMITTEES

ADMINISTRATIVE	To be announced
EMPLOYMENT	Thursday, January 16, 1985 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, December 17, 1985 5:30-7:30 PM State Building, Room 1200 350 McAllister
MBE/WBE/LBE ADVISORY	Thursday, January 16, 1986 3:30 PM Commission Room, Main Library Civic Center
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, December 19, 1985 3:30 PM State Building, Room 1201 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

Attachment #1

City and County of San Francisco

Human Rights Commissic
Office of Contract Compliance
Office of Dispute Resolution

HRC RESOLUTION ESTABLISHING AN OFFICE
OF MINORITY AND WOMEN BUSINESS DEVELOPMENT WITHIN
THE HUMAN RIGHTS COMMISSION

WHEREAS, since 1978 the Human Rights Commission has been functionally organized into two primary responsibilities designated as the Office of Dispute Resolution and the Office of Contract Compliance; and

WHEREAS, the Office of Dispute Resolution has handled all matters involving intergroup tensions and individual complaints within the various protected classes involving Housing, Employment, Lesbian/Gay discrimination, etc; and

WHEREAS, the Office of Contract Compliance has focused primarily upon the implementation of Chapter 12B of the Administrative Code prohibiting discrimination by City Contractors and requiring such contractors to take Affirmative Action to ensure equal employment opportunities for minorities and women and the utilization of Minority and Women as sub-contractors; and

WHEREAS, the Human Rights Commission acquired the added responsibility of assisting in the enactment and implementation of a Minority and Women Business Development Program as a result of the passage of such specific legislation in August 1984- known as Chapter 12D of the Administrative Code; and

WHEREAS, this responsibility is of the highest priority within the Human Rights Commission, and needs to be continually assessed and evaluated, within its own functional context;

NOW, THEREFORE, BE IN RESOLVED, that the Commission hereby authorize and direct the Director to establish within the Human Rights Commission an Office of Minority and Women Business Development, and that such office be clearly designated by proper changes in the letterhead, reports, and staffing allocation; appropriate notice of this restructure be disseminated to all interested parties.

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Resolution 14-85

Adopted by HRC 12/12/85

CALENDAR MATTERS

Attachment #2

City and County of San Francisco

Human Rights Commissi
Office of Contract Complianc
Office of Dispute Resolution

RESOLUTION SUPPORTING REVIVAL IN
SAN FRANCISCO'S AFTER-SCHOOL PLAYGROUND PROGRAM

WHEREAS, in 1978, due to the effects of Proposition 13 - inspired budget cuts, San Francisco discontinued its supervised school playground and gym program; and

WHEREAS, the San Francisco School District, in cooperation with the Department of Recreation and Parks, operated a program involving 44 after-school supervised playgrounds and 26 evening gyms; and

WHEREAS, every day approximately 3,000 children came to supervised playgrounds and 1,100 youth attended evening gym programs; and

WHEREAS, the school playgrounds provided over 60% of all supervised recreation after school and during vacation periods and the school gyms provided approximately 66% of public supervised recreation facilities for night use in San Francisco; and

WHEREAS, in many needy neighborhoods, the school playground and gym program was the only recreation program available to kids;

NOW, THEREFORE, BE IT RESOLVED, that the San Francisco Human Rights Commission support the revival of San Francisco's after-school playground program.

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Resolution 15-85

Adopted by HRC 12/12/85

15) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

CALENDAR MATTERS

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, January 9, 1986
Commission Room, Main Library
Civic Center

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NEXT MEETING

Date: Thursday, January 23, 1986

Time: 9:00 A.M.

Place: Room 1200 State Building
350 McAllister Street

ROLL CALL

Commissioners:

Present: Brenda Wade (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, Larry Martin, John Morrissey, Joan Zamora Moulton, Nicerita Revelo, Esta Soler, George Suncin, Rabbi Martin Weiner, David Yamakawa, Jr.

Excused: Corrine Lee, John Moylan, Sal Rosselli.

Staff

Present: Grant S. Mickins, Jack Casford, Linda Chin, Clemente Newball-Obregón, Richard Norton, Pansy Ponzio Waller, Gail Roberts, Mary Gin Starkweather, Gary Wong.

Pledge of Allegiance

Minutes of December 12, 1985 approved with deletion and addition, at the request of Commissioner Moulton:

On Page 3, mid-page, under Point of Personal Privilege---Commissioner Moulton, and the following four paragraphs, including the sentence: "NOTE": These are excerpts from and summaries of the Commissioner's remarks only."

*****It was m/s/c that the section be deleted, and her remarks taken verbatim from the tape recording of the December 12, 1985 meeting be substituted:

COMMISSIONER MOULTON: (after recognition from Chairperson Wade) I was angry because...I want my fellow Commissioners to know that (Beatrice Duncan) got my recommendation for the position of Deputy Director. My recommendation for the position of Deputy Director at that (earlier) time had been Maria Caldera, and I'm sure that the Director can tell you that, because that's who my person when I was called. He (the Director) said there was another person, and I said, Fine, as long as it's a qualified Latino-Latina, I don't care. And I am concerned that it's been attached to my name that I have said that it was a Black/Brown fight because we have gone to the Mayor's Office and asked that Beatrice be retained in her position.

....I want people to understand that I am upset because there is no Latino/Latina person in leadership. We are the biggest ethnic community in the State of California. I feel that our concerns throughtout the state and in particular in this Human Rights Commission have been for nothing, that we are a community that nobody really cares about.

I appreciate what was said in the Minutes, that the Ad Hoc Committee be instituted, but I felt that it was important for me to bring it to you how I felt inside. ...I never said nor will I ever say that there is a fight between the Black and Brown community. I don't fight with my brothers and sisters.

Secondly, I am mad, that's the word I'm going to use, that there is no Latino/Latina ....in leadership, and Thirdly, that this is a Human Rights Commission, and I think it better start looking at itself as a Human Rights Commission on human rights issues.

COMMISSIONER WADE: OK, Thank you, Commisioner Moulton.

NOTE: The above remarks taken from the tape recording of the meeting of December 12, 1986, were approved by Commissioner Moulton as they read.

COMMUNICATIONS

- From Timothy J. Twomey, Secretary-Treasurer, Local 250, Hospital & Institutional Workers Union, requesting HRC action on a union-organizing dispute at the Beverly Manor Convalescent Hospital, a San Francisco nursing home, alleging racial discrimination factors. Mr. Twomey wrote that "a number of workers are pursuing legal action on an individual basis through the Equal Employment Opportunity Commission."

- From John Cummings, Regional Director, Beverly Manor Convalescent Hospital, formal notification of the complaint of discrimination filed with the HRC under Chapter 12A by Local 250 Hospital and Institutional Workers Union on behalf of employees of the Beverly Manor Convalescent Hospital.

- From Mayor Feinstein's Office, announcing a party to honor Margaret Kisliuk (liaison to the HRC for the Mayor's Office, among other duties), who is resigning from her post as Mayor's Program Manager to become Executive Assistant to the Director of Public Health. The party was scheduled for January 9, at the Golden Gate Yacht Club, beginning at 6 P.M.

- From George A. Wesolek, Executive Director, Justice and Peace Commission, Archdiocese of San Francisco, thanking the HRC for its co-sponsorship of the Human Rights Day Commemoration.

- From Mayor Feinstein, a copy of her letter to Timothy Twomey, Local 250-Hospital Workers Union, commenting on his letter regarding funding for an AIDS position in the HRC to the effect that the HRC had been advised, in light of the looming City budget deficit in Fiscal 1986-87, that additional General Fund resources will not be available. She said, further, that she had asked staff to evaluate current AIDS programs to see whether any other AIDS funding may be avaliable for the HRC. See comments below under report from the Lesbian/Gay Advisory Committee, and Director's Report.

- From State Senator David Roberti to Commissioner Lyon, copies of reports that describe the Senate's 1985 accomplishments in various policy areas.

- From Mayor Feinstein, a copy of her letter to John L. Molinari, President of the Board of Supervisors, informing that she has not signed a Board request for extra staffing for the HRC (AIDS), and informing that she has asked Dr. David Werdegar, Director of Health, to examine whether the Health Department could fund the HRC for this purpose, and that Dr. Werdegar has said he can provide $25,000 for enforcement.

- From Dorothy J. Porter, Ph.D., International Association of Human Rights Organization King Federal Holiday Commission Liaison, inviting Director Mickins to the international reception to be co-hosted by the Association and others in Washington, D.C. in commemoration of the Rev. Dr. Martin Luther King, Jr., to be held January 15, 1986 from 4 PM to 5:30 PM at the Israeli Embassy. Ms. Porter also detailed other events regarding IAOHRA activities planned nationwide by member commissions (including the HRC), and enclosing a survey of these activities.

See Director's Report for further King Birthday March observances in San Francisco.

- From Mayor Feinstein, a copy of her letter to The Honorable Bill Gray, Chairman, House Budget Committee, urging his action to overturn a recent administrative deferral by the Office of Management and Budget that would decrease San Francisco's share of its community development block grant entitlement by 32 percent. The City has already submitted a Community Development Block Grant Budget representing a 17 percent cut from last year's grant.

- From Moira Shek So, Executive Director, Mayor's Office of Community Development, a Memorandum of January 6, 1986 informing that the City's Community Development Block Grant funds will be reduced by a total of 32%, compared to the 17% earlier required. She also enclosed a full copy of Mayor Feinstein's letter to Board of Supervisors President Molinari reporting on the additional cuts, and calling for understanding and cooperation as the City proceeds to develop means to absorb the additional cut.

- From Mayor Feinstein, asking the HRC to review the recommendations of the Aileen Hernandez report, "Between a Rock and a Hard Place", a study of the impacts of escalating insurance and bonding rates on minority-owned, women-owned, and small businesses to meet fee-related requirements of departments and agencies of the City and County of San Francisco, and for businesses entering into contracts with such agencies. This bound report was discussed in full at the HRC's December 12, 1985 regular meeting.

The Mayor asked that the HRC to "tailor...the recommendations so they can be implemented...by the new Bureau for Small Business." as well as the HRC and the City Purchaser.

CHAIRPERSON'S REPORT

- HRC Christmas Party.

Chairperson Wade thanked all Commissioners for their support of and attendance at a December 14 Christmas party for the HRC and staff at her home. She commended Commissioner Jung for delivering in person fried chicken, a speciality of his restaurant.

- Personal Statement on Completing Last Term as Chairperson.

Outgoing Chairperson Wade thanked all members of the HRC for their support during her two terms of office, citing Commissioner Morrissey's initial parliamentary counsel, and Commissioner Lyon's example set when she preceded Commissioner Wade as Chairperson. She said she had hoped to forge a pro-active role for the HRC in taking on issues, and encouraging San Francisco to be more responsible for human rights. She said her agenda had included sterring towards less factionalism and more broad-based support for all people of the City.

The Chairperson singled out the members of the excellent HRC staff for thanks for their professionalism under at times great stress, and she commended especially Director Grant Mickins for his contributions.

REPORT OF THE NOMINATING COMMITTEE

- Recommendations.

Commissioner Weiner, chairperson of the Nominating Committee, reported that he and committee members Commissioners Lyon and Martin recommended election of Comissioner Esta Soler as Chairperson for Calendar 1986 and Commissioner George Suncin as Vice Chairperson.

It was then

*****m/s/c unanimously that Commissioners Soler and Suncin be elected as recommended.

- Chairperson Soler thanked the HRC for the honor of her election. She said she hoped to continue the pro-active notion of the Commission as established under Commissioners Wade and Lyon in the office. She noted that the priorities

of the HRC would continue to be strong implementation of the Minority/Women/Local Business Enterprise Ordinance, continuing activity regarding AIDS discrimination and tangent issues, and to address the concerns of the Hispanic community.

Commissioner Moulton commented that she hoped that this year these Hispanic concerns would be met instead of just lip service.

Vice-Chairperson Suncin likewise made a brief statement, thanking his colleagues for selecting him, and commending the HRC for its ability to confront many issues.

- It was then, on the initiative of Commissioner Morrissey, *****m/s/c unanimously that the HRC write a formal commendation letter to outgoing Commissioner Wade.

STANDING COMMITTEES

EMPLOYMENT

Commissioners George Suncin/Larry Martin, Co-Chairpersons

- Department of Social Services Subcontractors Report, Fiscal Year 1983-84. Mary Gin Starkweather, Contract Compliance Officer.

This report had been postponed from the HRC meeting of December 12, 1985. It is made annually.

The report, consisting of fur narrative pages, with sixteen supportive statistical tables, was distributed in advance to all Commissioners, and had been presented to and approved by the Employment Committee.

The Department of Social Services (DSS) provides financial, medical and social services to all eligible persons in San Francisco, and the Social Services Commission sets policy for the department.

In FY 1983-84, DSS contracted out $5,511,868 to nineteen for -profit companies, and $3,063,446 to twenty-four nonprofit agencies. HRC staff collected and analyzed workforce data, and has negotiated 13 Affirmative Action Agreements. This reflects an increase from FY 82-83, when 17 for-profit companies and 12 nonprofit agencies were monitored. This is due primarily to increased cooperation of DSS staff with the HRC.

The statistics include workforce breakdowns by job classifications, sex, and ethnic identification; comparisons of minorities and women to the entire workforce; comparisons of minority workforces by sex; racial breakdowns by job categories; percentage comparisons of minorities and women to entire workforces by job category; and ethnic (racial) breakdowns by job categories. These were reorted separately for nonprofit agencies and for-profit companies.

Ms. Starkweather's "For-Profit Contractors" section of the report highlights note that, compared to the fiqures in Fiscal 1982-83, Blacks experienced a drop of nearly 10 percentage points in the Officials and Managers category but showed an increase of 15. 4 percentage points in the Professional category, with an overall Black workforce increase from 17% in FY 82-83 to 27.9% in FY 83-84.

Hispanics dropped from 17.5% to 12.4% in the Officials and Managers category, and dropped ½ of 1 percentage point to 15.5% of the entire workforce.

Asians continued to be severely underrepresented in all job categories, a point noted especially in subsequent Commissioner questioning about staff energies directed to meeting this fact.

Filipinos were virtually unrepresented in the higher-paying job categories (and Equal Employment Opportunity office statistics do not even list them separately, despite the HRC's listing them as a separate ethnic group for many years).

Ms. Starkweather noted that goals in this area include:

-----more work to increase Black and Hispanic representation in the decision-making job categories.

-----special emphasis on active recruitment and hiring of Asians in all positions.

----- continued staff negotiation of Affirmative Action Agreements and more stabilized communication with DSS personnel.

In the "Nonprofit Subcontractors" section of her report, Ms. Starkweather noted:

- Blacks dropped overall.
- Hispanics had no representation in the Officials and Managers category, with, however, increases in other categories and an overall gain of 3.1 percentage points.
- Asian gained overall, but still severely underrepresented.
- Filipinos increased dramatically in all categories except Officials and Managers.
- American Indian/Alaska Natives increased in some categories but still unrepresented in the Officials and Managers category.

She noted that minority groups (especially the Asians) were still underrepresented in the higher-paying, decision-making categories.

Ms. Starkweather distributed copies of job classification descriptions to accompany her statistical table breakdowns.

In the ensuing discussion-and-questions period of the meeting, Commissioner Morrissey, while commending the thoroughness of the report, asked if a breakdown of the clientele of the DSS could be given in future, noting that the DSS for-profit subcontractor workforce ethnic representation totaled 53.2% for the reporting period of FY 83-84. This percentage, at the request of Commissioners past, had been compared with the 43.5% total for the EEO Census figures for 1980 of labor-force availability.

*****Chairperson Soler after Commissioner commentary on the sufficiency of the EEO Census figures, referred to the Employment Committee the issue of Census data in the HRC's evaluation and complilation of labor figures.

With further comments and questions from Commissioners Wade, Revelo, and Morrissey, and with the Chairperson's urging that the letter of transmittal of the report to DSS stress the areas of concern it highlighted, especially the serious under-representation of Asians in all job categories., it was

****m/s/c unanimously that the HRC accept the Department of Social Services Subcontractors Report, Fiscal Year 1983-84.

- Party for Margaret Kisliuk

See Communications section of these Minutes. Ms. Kisliuk, Program Manager in the Mayor's Office (and liaison to the HRC) was to be guest of honor on the evening of this meeting, January 9, 1986 at 6 PM at the Golden Gate Yacht Club.

- Honor to Clemente Newball-Obregón.

Mr. Newball-Obregón, an HRC Contract Compliance Officer and former member of the HRC, was honored recently in the first annual McDonald's (Corporation) Hispanic Volunteer of the Year program. This inaugural year of the program honors Hispanics who have performed outstanding volunteer work in San Francisco and the Peninsula (the area for which Mr. Newball-Obregón was cited), Santa Clara County and Alameda County. Winners receive a $1,000 check to donate to a favorite charity or nonprofit organization. Mr. Newball-Obregón donated his check to the Mission Neighborhood Health Center, a nonprofit, multi-service facility which treats up to 250 low-income Hispanic patients per day. He has worked as a volunteer at the Center for 14 years, and has been actively involved with the Mission Red Cross Center, the Economic Opportunity Council, and the San Francisco Legal Assistance Council.

- Martin Luther King, Jr. Birthday Observance.

The HRC has been represented in planning meetings of the Martin Luther King, Jr. Birthday Observance Committee for several months. It has also cooperated with the International Association of Official Human Rights Agencies and the California Association of Human Relations Organizations in their organizing of week-long events to honor the late Dr. King, culminating in the first national legal holiday to be held on his birthday, January 20, 1986.

The HRC will have a contingent participating behind its HRC banner in the San Francisco March, which will start at the foot of Market Street at 11 AM on Monday, January 20, 1986 and proceed to the Civic Center Plaza for formal observances. This will be a Bay Area-wide event, and extensive plans have been made.

Among the week-long series of events will be an InterFaith Worship Service at 7 PM at St. Mary's Cathedral, 1111 Gough Street, January 15, 1986 at 7 PM.

Commissioner Martin of the HRC has been on the Observance Committee and he reported briefly on other events planned for the week, leading up to January 20.

The Friends of the HRC, staffed by Frank Anderson, are coordinating planning for the HRC contingent, and Commissioners and others are being sent information on assembly points, monitoring duties, a possible post-Civic Center hospitality refreshment party at the HRC office, etc.

- HRC Request for Funding for Additional AIDS Staff.

See Communications section of these Minutes for letters from the Mayor regarding this issue.

The Board of Supervisors voted December 16, 1985 to adopt a Resolution, introduced by Supervisor Harry Britt, requesting funding for one professional staff position to work at the HRC in handling the expected increased caseload of AIDS-related complaints.

The Mayor has refused to sign the Board's resolution, but asked the Director of Health, Dr. David Werderger, to examine whether the Department of Public Health could fund the HRC for this purpose. This matter is still pending.

Chairperson Soler noted that the upcoming HRC-sponsored AIDS discrimination hearings February 4 and 5, will bring more public attention to the urgent need for adequate staffing.

- Reduction in Office of Community Development Grants.

In response to a question by Commissioner Moulton the Director stated the HRC will be adversely affected, with the possible loss of a fulltime professional staff position, by the recently- announced 32% (rather than the original 17%) cuts in the City's share of federal Community Development Block Grant funds.

SOCIAL ISSUES AND POLICE LIAISON
Commissioners Samuel Chung and Joan Zamora Moulton
Co-Chairpersons

- Committee Report -Commissioner Moulton.

1. Sanctuary Resolution of the Board of Supervisors.

The Board of Supervisors adopted on December 23, 1986, a Resolution Urging the Mayor to Declare San Francisco to be a City of Refuge, and it was signed as approved by the Mayor December 27, 1986. The Resolution names several Central American countries whose citizens have been seeking political refuge in the United States, including El Salvador and Guatemala.

Commissioner Moulton said that the sanctuary Resolution doe not mention persons who have left Nicaragua. She said that while political refugees from Marxist states in Europe are accepted in the United States, those from Nicaragua, which she called a Marxist state, are not.

******Noting that Commisisoner Moulton's discussion was regarding informal talks she had had with members of the Latino-Latina community, the Chairperson asked that the issue be addressed as a formal agenda subject by the Social Issues and Police Liaison Committee.

LESBIAN/GAY ADVISORY

Commissioners Phyllis Lyon/Sal Rosselli,- Co-Chairpersons

- Committee Report. - Jackie Winnow

1. Eileen Gillis' Report on Sexual Orientation Discrimination FY '84-85, will be given at the January 23, 1986 regular HRC meeting. It was postponed at the December 12, 1986 meeting, and Ms. Gillis was on a staff assignment for this meeting.

2. HRC AIDS educational-

At the HRC meeting of January 23, 1986, an AIDS educational presentation will be conducted for Commissioners.

2a. AIDS Discrimination Public Hearings.

The HRC will sponsor public hearings on Tuesday, February 4, and Wednesday, February 5, from 5:30 to 8:30 PM in Room 1194 of the State Building, 350 McAllister Street.

Dan Turner and Sue Steiner, student interns working with the L/GAC, were commended for their organizing work for these hearings.

3. Nancy Shaw Defense Committee.

Ms. Shaw, a faculty member at the University of California at Santa Cruz's Community Studies and Multi-ethnic College, was denied tenure by the Chancellor a few years ago. In 1984, the U.S. Equal Employment Opportunity Commission found "reasonable cause to believe sex discrimination" as a factor in the denial of tenure.

The Committee, at the December 17, 1985 meeting where she made a presentation, agreed to invite a representative of the University to present its position at the next L/GAC meeting before taking further action. Ms. Shaw's case is now preparing for court.

Ms. Winnow said she had spoken with David Burnbaum, Chief Counsel for the University, who is sending materials for the Committee to review in its consideration of Ms. Shaw's request for endorsement of her suit.

4. AIDS Foundation Outreach.

Ernesto Hinojos, the newly-hired program developer for Third World outreach at the San Francisco AIDS Foundation, made a report on his proposed program, still to be presented to the Foundation Board of Directors.

It was

*****m/s/c that the HRC write the San Francisco AIDS Foundation, recommending that the Foundation adopt the program as described by Ernesto Hinojos for Third World outreach.

NEW MATTERS

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, January 23, 1986, at 9 AM in Room 1200 of the State Building, 350 McAllister Street.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, January 29, 1986 5 PM Room 509, HRC Office 1095 Market Street
EMPLOYMENT	Thursday, January 16, 1986 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, January 21, 1986 Room 1200, State Building 350 McAllister Street 5:30 PM to 8 PM
MBE/WBE/LBE ADVISORY	TO BE ANNOUNCED
SOCIAL ISSUES AND POLICE LIAISON	TO BE ANNOUNCED
HOUSING AND URBAN DEVELOPMENT	TO BE ANNOUNCED
YOUTH AND EDUCATION	Thursday, January 16, 1986 3:45 PM State Building, Room 1200 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:ltn:bclp

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HUMAN RIGHTS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, January 23, 1986
Room 1200, State Building, 350 McAllister
Civic Center

NEXT MEETING

DATE: Thursday, February 13, 1986
TIME: 10:15 AM
PLACE: Commission Room, Third Floor
Main Library, Civic Center

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ROLL CALL

Commissioners

Present: Esta Soler (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, Larry Martin, John C. Morrissey, Joan Zamora Moulton, John Moylan, Nicerita Revelo, Sal Rosselli, George Suncin, Brenda Wade, Rabbi Martin Weiner, David K. Yamakawa.

Excused: Corrine Lee

Staff

Present: Grant S. Mickins, Bettye Burrell, Jack Casford, Eileen Gillis, Don Hesse, Richard Norton, Gail Roberts, Jackie Winnow, Gary Wong.

No Pledge of Allegiance due to absence of a Flag.

Minutes of January 9, 1986 approved.

COMMUNICATIONS

- From Arthur H. Coleman, M.D., President, The Arthur H. Coleman Medical Center, a letter, with copies to Supervisors Doris Ward and John Molinari, and Randall B. Smith, Executive Director of the Health Service System, requesting HRC investigation of the policies of the Health Service System regarding contracts with minority health providers. Dr. Coleman said he had not been able to establish any meaningful dialogue with the HSS on this subject.

- From Farnum Alston, Budget Director, Office of the Mayor, a copy of a memorandum sent to all City Department Heads, requesting assistance in identifying, by federal fiscal year, from 1980 to present, the loss of any federal funds to City and County programs, and, in identifying where federal law or policy has been changed that has in turn had a direct impact on City program funding.

- From Margaret Kisliuk, Office of the Mayor, a copy of a Memorandum to the Budget Director and others requesting transfer of $25,000 during Fiscal Year 1985-86 from the Health Department's AIDS budget to the HRC, to be used, for six months, for two positions and related materials and supplies to implement the AIDS Discrimination Ordinance. During FY 1986/87 the HRC General Fund budget will be increased by $33,000 and 1 position. The Health Department General Fund increment, however, the Memorandum states, will not change becuase of this transfer. See Director's Report below in these Minutes.

- From Robert T. Cockburn, Executive Director, San Francisco Clean Water Program, a copy of his letter to Jesse Diaz, Chief, Division of Clean Water Grants, State Water Resources Control Board in Sacramento, transmitting the Clean Water Program's Minority Business Enterprise participation in Architectural and Engineering Consultant contracts for the fourth quarter of Calendar Year 1985.

A detailed report attached showed the breakdown by contract name, total amount, and MBE contract in dollar amounts and percentage of the total.

- From Timonthy J. Twomey, Secretary-Treasurer, Local 250, Hospital & Institutional Workers Union, informing that Local 250 and Beverly Manor Convalescent Manor have reached a settlement, and withdrawing the union's earlier complaint (carried in the Communications section of the HRC Minutes of January 9, 1986, alleging racial discrimination factors in a union-organizing dispute). Mr. Twomey wrote, "...our concerns regarding race-based discrimination at the facility have been addressed."

- From Charles J. Wong, Compliance Manager, U.S. Equal Employment Opportunity Commission, proposing that the HRC co-sponsor an "Equal Employment is the Law" seminar for managers and administrators at all levels of employment by local public agencies in San Francisco, in May, 1986. See Director's Report below.

CHAIRPERSON'S REPORT

- Committee Appointments.

By the HRC's regular meeting February 13, 1986, the Chairperson will have talked to the members of the HRC and will announce her appointments of Chairpersons and members of the Standing Committees.

DIRECTOR'S REPORT

- AIDS Position at the HRC.

See Communications section of these Minutes. Director Mickins announced that $25,000 will be transferred from the Health Department to the HRC for six months of Fiscal Year 1985-86, to be used for two positions and related materials and supplies to implement the AIDS Discrimination Ordinance. During FY 1986-87, the HRC General Fund budget will be increased by $33,000 and 1 position, also from the Health Department.

- March for Martin Luther King, Jr. National Holiday.

Some 200 persons joined the HRC contingent, which included present and past Commissioners and staff, in the March on Monday, January 20, 1986, that commemorated the inaugural national observance of the birthday of Dr. Martin Luther King, Jr. The March, which attracted some 50,000 persons, started at the foot of Market Street and proceeded to the Civic Center where, from a platform in front of City Hall, public dignitaries and entertainers spoke and sang as part of the observance.

The Friends of the HRC sponsored the HRC planning and implementation of its participation. The Director noted that Frank Quinn, the First Director of the HRC, was present, with Mrs. Quinn, as was Grandvel Jackson, a former HRC staff member, now President of the San Francisco chapter of the National Association for the Advancement of Colored People (NAACP).

- Commissioner Yamakawa was told that a replacment for Margaret Kisliuk, HRC Liaison from the Mayor's Office, who is resigning to join the Health Department, has not yet been named.

- HRC Co-Sponsorship with EEOC of Public Agency Seminar.

See Communications section of these Minutes. The invitation for the HRC to co-sponsor an "Equal Employment is the Law" seminar for City departmental managers and administrators, in May, 1986, came from Charles J. Wong, Compliance Manager for the U.S. Equal Employment Opportunity Commission's San Francisco District Office. Mr. Wong wrote that principal speakers and/or panelists will be from EEOC's professional and local staff, with active participation from the HRC staff, and resource people from the State Department of Fair Employment and Housing. The seminar, he said, will be designed to provide an update in equal employment opportunity laws, and to assist managers in understanding obligations and rights under current federal and state laws governing employment discrimination.

It was then,

*****m/s/c, unanimously, that the HRC co-sponsor, with the EEOC, the "Equal Employment is the Law" seminar.

- Preparation activities and details were referred to the Administrative Committee.

STANDING COMMITTEES

LESBIAN/GAY ADVISORY COMMITTEE
Commissioners Phyllis Lyon and Sal Rosselli
Co-Chairpersons

- Annual Sexual Orientation Discrimination Report for Fiscal 1984-85- Eileen Gillis, Lesbian/Gay Community Representative.

A seven-page narrative, with a two-page discrimination statistical appendix, and an appendix giving a definition of terms, was distributed earlier to all members of the HRC for their study. This presentation to the full HRC had been postponed from the agenda for the HRC's regular January 9, 1986 meeting.

Ms. Gillis announced that she would concentrate in her oral presentation on the AIDS discrimination aspect of the report.

In her written summary, she reported 114 complaints of sexual orientation discrimination investigated by the Lesbian/Gay Community Liaison Unit in FY 1984-85, close to the amount reported a year earlier (123). Ms. Gillis noted a trend towards greater success in resolving these complaints, with a total of $16,500 received by aggrieved complainants, compared with $6,000 in FY 1983-84. Narratives describing a number of other remedies were included. These gave examples of returning employees to the job, obtaining promotion opportunity, and ensuring public access to services. She said that similar positive results were shown in the HRC's Fair Housing Unit in addressing housing discrimination based on sexual orientation. They reported a total of 24 investigations, with 9 related to AIDS discrimination.

Her written report also addressed specifically the demographic details of the complainant population and time taken to process complaints (down from 25 to 21 days on the average). Problem areas and goals were defined, noting that the HRC has mandated AIDS as one of its top three priorities for FY 1985-86, with all Standing Committees charged with taking up the issue in their particular areas, such as housing and youth and education.

The Lesbian/Gay Community Liaison Unit currently is staffed by two fulltime professionals, Jackie Winnow, and Eileen Gillis, two student interns, Sue Steiner and Dan Turner, one legal intern, Caren Callahan, and various volunteers.

In statistics on the FY 1984-85 reporting year, complaint race breakdown showed:
Caucasian: 78%
Black: 10%
American Ind: 7%
Hispanic: 4%
Filipino: 0%
Pacific Isl: 0%

and by sex, Male: 88 or 77%; Female: 26, or 23% and by age: 30-35: 34 or 31%; 25-29: 23 or 21%; 36-40: 19 or 17%; 46-55: 15 or 12%: 18-24: 10 or 8%, and 56-65: 0 or 0%.

Ms. Gillis stressed the need for continued targeted educational outreach function of the HRC's Lesbian/Gay Unit, especially to Third World and minority communities. In the U.S. she said, 40% of AIDS victims are from Third World or minority cultures.

However, what she called in the report, "...an alarming and progressive increase" was noted in discrimination related to AIDS. In the reporting period the HRC Unit received 20 complaints, compared with 8 a year earlier. Nineteen AIDS-related discrimination complaints were investigated in the first quarter of FY '85-'86, showing a continuous trend of increase. Twelve were received in the second quarter. Ms. Gillis interjected here that some 16,000 cases of AIDS have been reported in the nation since the epidemic began and that more than one-half have died; the figures for San Francisco are 1,600 reported, of whom half have died, approximately. This does not include ARC victims (ARC-AIDS Related Conditions).

With passage in 1985 of the anti-discrimination AIDS ordinance by the Board of Supervisors, mandating the HRC as the administrative enforcing agency, the need for additional HRC staff has been a factor in the announced Health Department transfer of funding (see Director's Report and Communications.) Ms. Gillis' report states, "The HRC essentially plans to continue to act as a major link in the legal defense pool for people disaffected by sexual orientation discrimination, with a special emphasis on AIDS discrimination."

Accompanying the increase in the numbers of AIDS cases being reported, Ms. Gillis, said, has been an increase in homophobia, examples were given of this, manifested in public statements by some legislators or officials, and in many employer and landlord discriminatory actions.

Problems disaffecting the AIDs-affected community include the distinction made between a diagnosis of AIDS, and ARC (AIDS Related Conditions), so that the latter victims cannot obtain the same kinds of financial and health service benefits. In response to later questions from Commissioner Morrissey, Ms. Gillis went into detail on this point.

AIDS, she said, started out several years ago as a crisis issue but it is now clear that it is a long-term problem nationwide, with the accompanying factor of discrimination.

Ms. Gillis said that a quotation attributed to her in a recent newspaper article (San Francisco Examiner, January 19, 1986, by Paul Shinoff), "There is a strong move by employers to responsibly handle AIDS in the work place," which was connected to a quarterly decrease in the recent complaint load gave the erroneous indication that the AIDS-discrimination problem was decreasing. This is not so, she said, and though there may be fluctuations or "slow" quarters statistically, her experience is that there is no decrease of the overall problem in the City. "Employers are continuing to discriminate in the workplace although a model few are planning and acting responsibly".

Noting that there had been a total sexual orientation caseload drop from 123 to 114 in the 1984-85, Commissioner Weiner asked if there were not in fact a decline in this area. Ms. Gillis said that she had a sense at present that sexual orientation discrimination complaints have "topped out" except for AIDS -discrimination ones. She noted the increase in the AIDS discrimination figures for her most recent report.

After further commentary from mebers of the HRC, it was

*******m/s/c to accept the Sexual Orientation Discrimination Report for Fiscal Year 1984/85.

Ms. Gillis was commended by Chairperson Soler on her presentation.

- AIDS Educational Presentation-Harvey Bartnof, M.D.

Dr. Bartnof is an AIDS researcher based in San Francisco and working with the Speakers Bureau of the San Francisco AIDS Foundation. He gave a slide-presentation program with basic information about AIDS, its detection by the National Center for Disease Control, its vicitms, its nature, its method of transference, etc.

Dr. Bartnof responded to a number of questions following the slide presentation of approximately thirty minutes.

Dr. Bartnof said the country now is five years into the epidemic stage of AIDS, and made a strong distinction between the discovery that a person has an AIDS antibody in his/her system, and one who has the AIDS disease. He stressed that AIDS is a blood-borne, and/or sexually-transmitted disease that is not spread by casual contact. He reported that there is increasing evidence that AIDS also affects the nerves and the brain and spinal column, causing mental deterioration, memory loss, inbalance, and even paralysis . This he called the "wasting syndrome". He said that some 40% of AIDS patients will at some point have some brain dysfunction.

Dr. Bartnof distributed an AIDS Lifeline booklet published in September, 1985 by KPIX, Channel 5, a San Francisco television station.

- AIDS Discrimination Public Hearings by the HRC-Jackie Winnow.

Copies of a flyer (attached to these Minutes is a copy) announcing the HRC-sponsored AIDS/ARC Related Discrimination Public Hearings to be held February 4 and 5 (Tuesday and Wednesday), between 5:30 PM and 8:30 PM, in Room 1194 of the State Building, 350 McAllister, San Francisco, Civic Center were distributed.

Ms. Winnow gave details of the concerted organizing effort being carried by the Lesbian/Gay Advisory Staff and volunteers. Outreach publicity includes letters, press releases, public service announcements (in Spanish,and English), radio programs, etc.

Speakers have been confirmed from many sources to give testimony on employment, public accomodationscorrections, insurance, and underserved populations, as well as housing, medical and social service, research, education, and children's rights.

All persons wishing to testify or who need further information were asked to call Jackie Winnow, Sue Steiner, or Dan Turner, at 558-4901 (the HRC offices).

NEW MATTERS

- Hispanic Definition for MBE/WBE/LBE Certification

Commissioner Moulton reiterated her objectin to the wording of the current definition used by the HRC for certification of Latino contractors.

Noting that this was a subject dating back to 1982 on which the HRC had obtained a City Attorney's Opinion in 1985, and the subject of discussions by the Administrative Committee, Chairperson Soler asked Commissioner Moulton to bring to the HRC the analysis of the Hispanic definition by Mexican-American Legal Defense and Edcuation Fund and La Raza attorneys.

*****Chairperson Soler then referred the matter to the Administrative Committee and asked Commissioner Moulton to expedite obtaining the Latino legal analysis materials. Commissioner Morrissey said he would like some indication of who had been harmed by the current interpretation.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, February 13, 1986, in the Third Floor Commission Room of the Main Library, in the Civic Center at 10:15 AM.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, January 29, 1986 5 PM Room 509, HRC Offices 1095 Market Street
EMPLOYMENT	Thursday, February 20, 1986 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, February 18,1986 5:30 to 8 PM Room 1200, State Building 350 McAllister Street
MBE/WBE/LBE ADVISORY	Thursday, January 30, 1986 3:30 PM Lurie Room First Floor Main Library, Civic Center
HOUSING AND URBAN DEVELOPMENT	TO BE ANNOUNCED
SOCIAL ISSUES AND POLICE LIAISON	TO BE ANNOUNCED
YOUTH AND EDUCATION	Thursday, February 20, 1986 3:30 PM Room 1200, State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

GSM:JC:bclp

Grant S. Mickins
via Jack Casford

Attachment
1/29/86

PUBLIC HEARINGS

San Francisco Human Rights Commission

AIDS/ARC RELATED DISCRIMINATION*

Public Testimony will be heard:

Date: **February 4 and 5 (Tuesday and Wednesday)**
Time: **5:30–8:30 p.m.**
Place: **State Building, Room 1194**
350 McAllister San Francisco

Areas of Testimony

February 4 (respectively):	general analysis, employment, public accommodation, corrections, insurance, and underserved populations (i.e., people with ARC, women, third world people, and hemophiliacs).
February 5 (respectively):	housing, medical and social service, research, education and children's rights, blood testing and confidentiality, as well as areas not listed.

If you would like to testify or need further information, please call Jackie Winnow, Sue Steiner or Dan Turner at 558-4901 (Voice/TTY)

- Wheelchair accessible
  entrance on Larkin Street (btwn Golden Gate & McAllister)
- sign language interpreted
- childcare provided (48 hr. advance reservation required)
- Spanish language interpretation available

***This also includes those perceived as having AIDS**

had been harmed by the current [illegible]

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, February 13, 1986
Commission Room, Main Library
Civic Center

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NEXT MEETING

DATE: Thursday, February 27, 1986

TIME: 9 AM to Noon

PLACE: Room 1200, State Building
350 McAllister Street

ROLL CALL

Commissioners

Present: Esta Soler, (presiding), Samuel Chung, Joe Jung, John Morrissey, Joan Zamora Moulton, John Moylan, Nicerita Revelo, Sal Rosselli, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: Corrine Lee, Phyllis Lyon, Larry Martin, George Suncin, Brenda Wade.

Staff

Present: Grant S. Mickins, Frank Anderson, Jack Casford, Don Hesse, Richard Norton, Gail Roberts, Fern Schneiderman (intern), Mary Gin Starkweather.

Richie Gore, (member of the Employment Committee).

Pledge of Allegiance

Minutes of January 23, 1986 approved.

COMMUNICATIONS

- From Congresswoman Barbara Boxer, commending the HRC for writing President Reagan urging retention of Executive Order 11246, regarding contract compliance and equal employment opportunity requirements of federal contractors. The HRC had written December 13, 1985 to the President and many other federal officials and legislators. See under Social Issues and Police Liaison Committee in these Minutes.

- From U.S. Senator Alan Cranston, thanking the HRC for the copy of its December 13, 1985 letter urging retention of Executive Order 11246, giving in detail the background on the civil rights aspect of the Order, and enclosing his remarks before the U.S. Senate on December 19, 1985 regarding his deep concerns, shared by Representatives Gus Hawkins and Jim Jeffords, expressed to the President. The legislators urged that "no action be taken on Executive Order 11246 until there has been a full public review of the proposal, and an opportunity to assess its potential impact upon those who look to the Federal Government to preserve their equal employment opportunity rights." See also Social Issues and Police Liaison Committee report in these Minutes.

- From Moira Shek So, Executive Director, Mayor's Office of Community Devlopment, inviting then-Chairperson Brenda Wade and others of the HRC to a January 29 community meeting to hear information on cuts under the federal Office of Management & Budget deferral order for Fiscal Year 1986-87. The meeting was to be co-sponsored by the Citizens Committee on Community Development, which is working with the MOCD on "options to provide an equitable reduction plan.' See Director's Report in these Minutes.

- From The Rev. Cecil Williams, Chairperson, Martin Luther King, Jr. Birthday Observance Committee, thanking all who worked on the extensive preparations (members of the HRC staff were at all Birthday Observance Committee meetings and Frank Anderson coordinated the active HRC participation in the March on January 20, 1986 down Market Street to Civic Center) Rev. Williams announced a February 14 meeting to start preparations for the second federal

holiday honoring Dr. King. He enclosed a copy of a letter from Coretta Scott King, President, The Martin Luther King, Jr. Center for Nonviolent Social Change, Inc., in Atlanta, to Rev. Williams and the local Committee, conveying her greetings and congratulations on the eve of the San Francisco observances.

- From Chairperson Esta Soler, to Mr. Grandvel A. Jackson, President, San Francisco Branch, National Association for the Advancement of Colored People, who had addressed the HRC December 12, 1985, seeking fuller participation in HRC internal workings by the NAACP.

Chairperson Soler stated that the HRC is seeking representation of the NAACP on its Standing Committees, asked for more specific details on reported complaints received regarding Department of Public Health hospitals and facilities, pledged to "seek to identify available resources for legal services", and re-affirmed the HRC's anticipation of a renewed cooperative working relationship.

- From LaVera Gillespie, Director, Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, San Francisco Regional Office, Region IX, expressing appreciation to Ed Ilumin, the HRC's Fair Housing Counselor, for his outstanding work in making the first publication of the Fair Housing Poster Calendar a reality. Ms. Gillespie detailed the extensive owrk Mr. Ilumin did on the project, which solicited posters by elementary school students on the theme of fair housing from a number of California counties. The HRC was one of twelve fair housing agencies sponsoring. Copies of the 1986 calendar with winning posters were distributed to the Commissioners at this meeting. The poster was by Dan Voong, Sixth Grade, Marina (San Francisco) Middle School.

- From U.S. Congresswoman Sala Burton, a letter enclosing the Administration's budget proposal for Community Development Block Grant (CDBG) funding for fiscal years 1986 and 1987, including a $500 million deferral in funds from FY 1986. Representative Burton stated her opposition to this deferral. She also expressed her opposition to the Gramm-Rudman-Hollings budget law bill, which will, she wrote, "...have a considerably adverse effect on CDBG funding."

DIRECTOR'S REPORT

- Deferral (Cuts) in Fiscal Year 1986-87 Federal Community Development Grant-Impact on HRC.

See Communications section for Letter from Moira Shek So, Executive Director Mayor's Office of Community Development. Director Mickins said that the HRC will be affected substantially by the cuts, noting that its has had funding for three-and-one-half positions for fair housing implementation and for monitoring of Affirmative Action contracts let under the OCD program. The HRC has received a February 12 letter from Ms. So, indicating that the Mayor's Office has asked all departmental recipients of these grant funds to make 10% reduction (in the current programs). If, however, the Gramm-Rudman-Hollings budget law survives legal challenges and is put into effect, he said, far deeper impacts will be made in such programs as those carried out by the HRC.

HRC staff have been urged to attend a demonstration of protest at a public hearing to be conducted by several U.S. Congresspersons over the deferral cuts on Friday, February 14, 1986 at 9 AM at the Federal Building, 450 McAllister Street.

At Director Mickins' request it was

*****m/s/c that he be authorized on behalf of the HRC to testify at this demonstration/hearing February 14 expressing its deep concern over the adverse impacts of deferral cuts on OCD grant funding and to urge repeal of the deferrals.

CHAIRPERSON'S REPORT

- AIDS Hearings Commendations.

The Chairperson expressed commendation for the expert work on planning and carrying out the two public hearings, February 4, and 5, at the State Building, sponsored by the Lesbian/Gay Advisory Committee, by Jackie Winnow, Eileen Gillis, and two student interns, Sue Steiner, and Dan Turner. She asked that letters of thanks be sent them and the Lesbian/Gay Advisory Committee and Public Hearing Advisory Committee.

She also thanked the members of the HRC who attended the long and sometime-difficult hearings, where representatives of many segments of the community testified on aspects of the AIDS issue. There was good coverage in the daily press and television and radio media.

- Appointment of Standing Committee Chairpersons.

The following appointment for Calendar Year 1986 were announced:

1. Lesbian/Gay Advisory Committee: Commissioners Phyllis Lyon and Sal Rosselli, re-appointed as Co-Chairpersons.
2. MBE/WBE/LBE Community Advisory Committee: Commissioners Brenda Wade and David K. Yamakawa Jr., Co-Chairpersons.
3. Employment: Commissioners Lawrence Martin and John Moylan, Co-Chairpersons.
4. Youth & Education: Commissioners Rabbi Martin Weiner and Nicerita Revelo, Co-Chairpersons.
5. Housing and Urban Development: Commissioners Samuel Chung and Joe Jung, Co-Chairpersons.
6. Social Issues and Police Liaison: Commissioners Joan Zamora Moulton and John C. Morrissey, Co-Chairpersons, with Commissioner Corrine Lee as a member.

STANDING COMMITTEES

SOCIAL ISSUES AND POLICE LIAISON COMMITTEE

Joan Zamora Moulton and Samuel Chung Co-Chairpersons

- Proposal to Re-Send the HRC's December 13, 1985 Letter Urging President Reagan to Retain Executive Order 11246.

Jack Casford, staff to the Committee, was asked by Commissioner Moulton to give the background on this issue.

On recommendation of the Committee at the HRC meeting of December 12, 1985 the Commission voted to write President Reagan urging retention of Executive Order 11246, the federal contract compliance mechanism for affirmative action applicable to all federal contracts. The Order is more than twenty years old. The HRC is informed by fellow HRCs across the country, and by the press almost daily (New York Times, on January 30; San Francisco Chronicle February 12), that the Administration, from the President to Attorney General Edwin Meese and William Bradford Reynolds, the Assistant Attorney General for Civil Rights, is continuing massive efforts to skuttle 11246. Labor Secretary Brock reportedly is resisting the Administration on the issue, however.

In the interest of joining other civil ahd human rights groups, and of reaffirming its opposition to repeal of 11246, it was

****m/s/c that the HRC authorize the re-sending of its December 13, 1985 letter to President Reagan, thus re-affirming its opposition to repeal of Executive Order 11246. The vote was unanimous.

- Commissioner Moulton criticized what she called "the bureaucracy" in government that changes rules unilaterally, without hearings, and she extended her criticism to the currently-used Hispanic definition for certification of minority contractors as presently used.

- Commissioner Morrissey commented that it was his understanding that the Executive Order 11246, though itself repealed, would be replaced by "another letter of some type" with emphasis on being "color-blind" or "ethnic-blind". He also stated, "There is such a thing as the need for...controlled integration ..." The Commissioner also said, "I just don't feel I'm fully informed."

MBE/WBE/LBE COMMUNITY ADVISORY COMMITTEE
David K. Yamakawa Jr. Chairperson

- Committee Report

1. Proposed Ordinance 201.85.1 This agenda item was entitled "Ratification of Committee's Action Requesting Postponement (by the Board of Supervisors) of Action on Proposed Ordinance 201.85.1: 'Requiring that private contractors awarded contracts for the City work be required to offer employment to employees of the immediate predecessor private contractor, if any. ' "

Copies of the February 3, 1986 letter sent by the Minority/Women/Local Business Enterprise Community Advisory Committee to the Board of Supervisors asking for this postponement were provided in the Commissioners' packets for this meeting.

Commissioner Yamakaw announced that the Board did postpone its action.

This issue will be on the agenda of the HRC February 27 for a full explanation and discussion. The Committee's letter requesting the action delay stated, "...this proposed legislation in its current form may be in conflict with Chapter 12D of the Administrative Code and provisions of the City Charter."

It was

****m/s/c (unanimously) that the HRC ratify the action of the Committee in calling for postponement of its action on proposed Ordinance 201.85.1.

2. MBE/WBE/LBE Implementation Report. This report due the City on the status of implementation of Chapter 12D, the MBE/WBE/LBE Ordinance, will be discussed at a regular HRC meeting in the near future.

LESBIAN/GAY ADVISORY COMMITTEE
Phyllis Lyon/Sal Rosselli-Co-Chairpersons

- Report on AIDS/ARC Public Hearings.

The Report on these two-day hearings, February 4 and 5, is scheduled for the HRC meeting of February 27.

Commissioner Rosselli thanked the members of the HRC for their attendance at and participation in these hearings.

- Commissioner Moulton requested a presentation of ARCS(AIDS-Related Complex Syndrome) and this was

***referred by Chairperson Soler to the Lesbian/Gay Advisory Committee

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ADMINISTRATIVE COMMITTEE
George Suncin, Chairperson

- Committee Report.

1. Chairperson Soler reported for Vice-Chairperson Suncin. The Committee meeting of January 29 concentrated on the HRC's budget status for Fiscal Year 1986-87, and also 1985-86 in terms of the savings in budget details that are going to be necessary.

2. The NAACP concerns and desires to work more closely with the HRC were discussed, and a formal letter sent to Mr. Grandvel A. Jackson, President of the NAACP San Francisco Branch.

3. Discussion touched also on the appointment by Mayor Feinstein of a Small Business Advisory Commission. One of the eleven members if Andre Pettigrew, vice-president of the Black Chamber of Commerce and a member of the MBE/WBE/LBE Community Advisory Committee.

- The next Administrative Committee meeting will be February 19, at 5 PM.

OLD MATTERS

- Commissioner Moulton asked what the status is of the Ad Hoc Ethnic Minority Concerns Committee (established at the HRC November 14, 1985). When established, the Minutes show, then-Chairperson Wade stated that the Hispanic/Latino community concerns raised by Commissioner Moulton would still be addressed, but that the new ad hoc committee would also be empowered to handle concerns brought by any other ethnic group.

Chairperson Soler said that there were two issues: reactivation of the Ad Hoc Ethnic Minority Concerns Committee (including Hispanic/Latino concerns), and the other was the offical definition of Hispanic for purposes of MBE certification. On the later point, she said, the HRC still is waiting for the legal positions from the Mexican-American Legal Defense and Education Fund (MALDEF) and La Raza, which Commissioner Moulton had been asked to expedite for the Administrative Committee.

NEW MATTERS

- Appeal Hearing in the Noncompliance Case of McGuire and Hester.

The HRC will hold an Appeal Hearing beginning February 27 at 9:30 AM in Room 12 of the State Building, 350 McAllister, following a brief regular business meeting beginning at 9 AM. A Hearing Officer, Caryl Mezey, has completed a determination and the Commissioners will be receiving copies of all pertinent material to review.

McGuire and Hester, contractors to the Port Commission, were found in Noncompliance with Chapters 12B and 12D by HRC Director Hickins. The company appealed the Finding before a Hearing Officer, and the HRC will on February 27 act on the Hearing Officer's Determination.

- Bilingual Class Assignments - Commissioner Morrissey inquired whether, as he said a member of the staff of the San Francisco Unified School District told him recently, children in the public schools are assigned to bi-lingual classes in some cases by racial category (for purposes of integration), rather than by linguistic category, e.g., Black children in a class for Chinese-speaking.

Commissioner Weiner, co-Chairperson of the Youth & Education Committee, said that these were early concerns expressed about the bi-lingual program but that he was personally unaware of such a case, and could inquire through the Committee.

Commissioner Moulton said that both bi-lingual and English-as-a-Second-Language teachers are present in these special classes, and that placement in them is voluntary. Children unfamiliar with another language (other than English) cannot, she said, be assigned to bi-lingual classes, e.g., Black children unfamiliar with Chinese to a Chinese-language bi-lingual class.

- "Controlled Integration in Housing"

Commissioner Morrissey said he understood that in New York City there is what is called "controlled integration"---specific percentages of different ethnic groups are assigned in both public and private-housing buildings. He asked if there is "controlled integration" in San Francisco.

*****Chairperson Soler referred this question to the Housing and Urban Development Committee.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, February 27, 1986, in Room 1200, State Office Building, 350 McAllister. This room is on the lower level, near the Golden Gate entrance of the building. The meeting will precede the Appeal Hearing, which is scheduled to begin at 9:30 AM.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, February 19, 1986 5 PM Room 509, HRC Offices 1095 Market Street
EMPLOYMENT	Thursday, February 20, 1986 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, February 18, 1986 5:30 to 8 PM Room 1200, State Building 350 McAllister Street
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, February 20, 1986 3:30 PM Bar Association of San Francisco 220 Bush Street, 21st Floor
HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, February 20, 1986 3:30 PM Room 1200, State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins via
Jack Casford

GSM:JC:bclp

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/27/86

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, February 27, 1986
Room 1200 State Building
350 McAllister

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NEXT MEETING

DATE: Thursday, March 13, 1986
TIME: 9:00 AM
PLACE: Room 1154, State Building
350 McAllister Street

ROLL CALL

Commissioners

Present: Esta Soler (presiding), Samuel Chung, Joe Jung, Phyllis Lyon, John Moylan, Sal Rosselli, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: Corrine Lee, Larry Martin, John C. Morrissey, Joan Zamora Moulton, Nicerita Revelo, George Suncin, Brenda Wade.

Staff

Present: Grant S. Mickins, Frank Anderson, Jack Casford, Linda Chin, Eileen Gillis, Don Hesse, Richard Norton, Gail Roberts, Fern Schneiderman, (intern), Mary Gin Starkweather, Jackie Winnow.

No Pledge of Allegiance due to lack of a Flag.

Minutes of February 13, 1986 approved with the following changes:

1. On Page 1 under Staff Present, it should read:

   Guest: Richey Rice-Gore (member of the Employment Committee).

2. On Page 2, third paragraph from the bottom of the page, beginning, "HRC staff have been urged to attend a demonstration of protest...."

   The Director notified staff, however, that the Hatch Act and City Statute/policy do not permit City employees during working hours to participate in "demonstrations." However, job-related public hearings are permitted. The February 14 event was a public hearing conducted by members of Congress, and the Mayor attended it and spoke.

COMMUNICATIONS

- From Mayor Dianne Feinstein, a Memorandum to all departments heads regarding benefits and costs of information systems, requesting that the Electronic Information Systems Processing Steering Committee review project be provided by each department with cost estimates for development and maintenance of major systems implemented since Fiscal Year 1983 -1983; the contribution of such systems to internal management, service, efficiency, or effectiveness (including direct savings or increased revenues and staff savings); and specific cases where automation or information systems had a direct impact on services delivered. The Mayor stated her strong concern that the promised benefits from the City's investment in automation have not been realized...to justify the significant costs ($66 million).

- From Rev. Henry Branner, for Bayview Towing Association, a copy of a letter to M.H. Geistlinger, City Director of Purchasing & Services, notifying that the Association is seeking a temporary restraining order in connection with a dispute over a City contract for auto towing and dismantling.

- From Moira Shek So, Executive Director, Mayor's Office of Community Development, enclosing a copy of the transmittal letter from Mayor Feinstein to the Board of Supervisors concerning the "damage control plan" and requesting approval for reprogramming $649,000 to the 1986 Community Development Program. Ms. So informed that under the "damage control plan" a 10 percent reduction would be applied to the HRC applocation, and that the new allocation would be $58,500.

- From Mayor Feinstein, a copy of her February 13, 1986 letter to the Members of the Board of Supervisors on the effects of the proposed Presidential budget on San Francisco, and attaching a chart showing direct impact on departments with comparative current and "at risk" funding, plus a copy of her testimony before a House Budget Committee hearing February 13, 1986.

- From H. Mahlon Harmon, Executive Director, Youth for Service, announcing his resignation, after eleven years as Executive Director.

- From Grandvel A. Jackson, President, NAACP, San Francisco Branch. acknowledging with thanks Chairperson Soler's recent letter committing to the HRC to better and closer relations between it and the NAACP, and stating the NAACP will be nominating members to work with the HRC Standing Committee

- From Roger Boas, Chairman, 1985 Employees Combined Giving Campaign, thanks to Mr. Mickins and HRC staff for their contributions, and enclosing a chart breakdown departmental showing that the HRC collected $603, well inexcess of a departmental goal of $220.

- From Georgia Quiñones, Director, Community Boards of San Francisco, requesting that Community Boards be invited to make a presentation at one of the regularly-scheduled meetings of the HRC.

CHAIRPERSON'S REPORT

- Chairperson Soler will be on vacation March 13 through March 31. Vice-Chairperson Suncin will preside at the HRC during her absence.

- DIRECTOR'S REPORT

- San Francisco International Airport South Terminal Construction Bids.

HRC staff members have been working on the bids being submitted for the third-phase San Francisco International Airport South Terminal construction project (boarding areas and aprons) with an emphasis on bidders meeting MBE/WBE/LBE participation goals. The contract totals some 22.5 million, and the award has been narrowed down to three prime contractors.

- McGuire and Hester Noncompliance Case Action Postponed.

The Special Order portion of the Agenda was postponed. Director Mickins read the advisements on the role of the Commissioners in this case as provided by Deputy City Attorney Mara Rosales, including the requirement that each Commissioner receive the verbatim court reporter transcript. That transcript has not yet been completed, it was announced. Commissioner Yamakawa requested also a copy of the Rules pertinent in this action. The HRC action will be scheduled probably for the March 13, 1986 regular meeting of the HRC. McGuire and Hester is appealing a Director's Finding of Noncompliance with Chapters 12B and 12D. The HRC is to act on the Determination by a Hearing Officer.

- Subpoena Issuance Authorized in Complaint Case

Eileen Gillis, of the Lesbian/Gay Advisory Staff, is investigating a sexual orientation complaint, and a witness she considers critical to the case has refused to give information.

Director Mickins has been informed by the City Attorney's Office that the HRC may delegate its power to issue a Subpoena ad Testificandum (Section 12A.5 of the City Administrative Code) to him.

It was then

****m/s/c (unanimously) to authorize the Director to seek and issue a Subpoena ad Testificandum in the cited complaint investigation.

STANDING COMMITTEES

ADMINISTRATIVE
HRC Vice-Chairperson George Suncin, Chairperson

- The Director announced postponement of Administrative Committee two Agenda items.

MBE/WBE/LBE COMMUNITY ADVISORY
Commissioners Brenda Wade/David K. Yamakawa Jr. Co-Chairpersons

- Recommended HRC Opposition to Board of Supervisors Ordinance 201-85-1.

Commissioner Yamakawa reported that the Committee met February 20, 1986 with invited members of the HRC Employment Committee and other concerned persons, and that after discussion, it voted to recommend that the HRC formally oppose Ordinance 201-85-1.

The proposed Ordinance would require that private contractors awarded contracts for City work be required to offer employment to employees of the immediate private contractor, if any, such employment to be offered at a rate of wages and benefits not less than paid by the predecessor contractor.

Commissioner Yamakawa stated that the Committee feels that such an Ordinance if passed, would hamper the efforts of the HRC in its implementation of the MBE/WBE/LBE contract participation program, by making it difficult for new bidders, many of them very small, to meet or know in advance the same wage and benefits levels as long-term, well-established contractors preceding them.

The HRC had been advised by the Committee earlier, and a letter seeking postponement of action had been authorized sent to the Clerk of Board of Supervisors to the effect that it is felt that the proposed ordination may be in conflict with Chapter 12D.

It was then

*****m/s/c that the HRC oppose Board of Supervisors adoption of proposed Ordinance 201-85-1. The action was unanimous.

LESBIAN/GAY ADVISORY COMMITTEE
Commissioners Phyllis Lyon/Sal Rosselli-Co-Chairpersons

- Report on the AIDS/ARC Discrimination Public Hearings and Expected Follow-up
Jackie Winnow

Ms. Winnow thanked the HRC and staff members for attending the hearings and contributing to them, and those who worked on preparation.

Verbatim transcripts of the Public Hearings on AIDS/ARC Discrimination held February 4 and 5, 1986 have been prepared. A copy is available for interested persons at the HRC office, and copies will be given to each member of the Public Hearing Advisory Committee (consisting of Commissioners Lyon and Rosselli, Chairperson Soler, representatives from the Lesbian/Gay Advisory Committee, a person with AIDS, a person with ARC, plus some concerned community representatives).

The verbatim transcript will be refined into a report with Findings and Recommendations, which will come to the HRC for approval.

Contact will be made with the Department of Public Health and other agencies involved to find out their current policies and to initiate changes as recommended. All this work will cover the next few months. Periodic updates of preliminary recommendations and contacts will be reported to the Commission.

Ms. Winnow said there had been good feedback from the hearings, and that some good has already resulted.

- Proposed Resolution of Support and Commendation for the Participants of the AIDS/ARC Vigil and Their Demands.

A public vigil, with participants living in tents, staffing daytime information tables, and chaining themselves to the Federal Building in United Nations Plaza in San Francisco, has been underway for several months.

A copy of the proposed Resolution was provided the Commissioners for study. Also provided was a copy of a Resolution adopted by the Board of Supervisors December 16, 1985 regarding ARC (AIDS-Related Complex), called, 'Establishing City Policy Regarding Definition of, Treatment and Services for People with AIDS-Related Complex."

It was then

*****m/s/c that the HRC adopt the Resolution of Support and Commendation for the Participants of the AIDS/ARC Vigil and Their Demands. The vote was unanimous. A copy of the Resolution in full is attached to these Minutes.

NEW MATTERS

- Federal Actions Barring AIDS Patients from Disability Discrimination Protection-Commissioner Rosselli.

The San Francisco regional chief (Hal Freeman) of the U.S. Department of Health and Human Services' Civil Rights Office resigned February 21 because of orders from Washington that would prevent AIDS patients from protection from discrimination on the basis of disability (Section 504 of the Rehabilitation Act of 1973, which bans bias against the handicapped by any receipient of federal funds).

It has been widely reported, said Commissioner Rosselli, displaying coverage in the San Francisco Chronicle February 22 and 27, that the Washington Civil Rights Office chief, Betty Lou Dotson, had issued an order directing regional offices not to process complaints from AIDS patients, but instead to channel them to Washington, D.C, for case-by-case consideration.

On recommendation of Commissioner Rosselli, it was

*****m/s/c (unanimously) to write three letters of protest:

1. A letter to Betty Lou Dotson Director, of the Office of Civil Rights of the U.S. Department of Health and Human Services, in Washington, D.C. inquiring why people with AIDS are not offered protection under Section 504, and requesting a reconsideration of her previously-reported policy forbidding regional offices from accepting and processing such complaints locally; and

2. A letter to U.S. Senators Alan Crnston and Pete Wilson, and U.S. Representatives Barbara Boxer and Sala Burton, asking that they investigate how the Office of Civil Rights policy decision was made, and to protest and ask for its reversal, and

3. A letter to the editor of the San Francisco Chronicle expressing the HRC's position on the issue.

OTHER MATTERS

- Chairperson Soler asked on behalf of Donald Hesse of the HRC staff that Commissioners please retain the materials pertinent to the McGuire and Hester Hearing Officer Determination Appeal action that has been postponed.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, March 13, 1986, in the Room 1154, of the State Building, 350 McAllister Street.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, March 26, 1986 Room 509, HRC Offices 1095 Market Street
EMPLOYMENT	Thursday, March 6, 1986 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, March 13, 1986 5:30 to 8 PM Room 1200 State Building, 350 McAllister
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, March 20, 1986 3 PM Bar Association of San Francisco 220 Bush Street, 21st Floor
HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES AND POLICE LIAISON	Wednesday, March 19, 1986 3:30 PM Room 509, HRC Offices
YOUTH AND EDUCATION	Thursday, March 20, 1986 3:45 PM State Building 350 McAllister Street, Room 1200

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins via
Jack Casford

GSM:JC.tclp
Attachment

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION
OFFICE OF DISPUTE RESOLUTION
OFFICE OF CONTRACT COMPLIANCE

RESOLUTION OF SUPPORT AND COMMENDATION FOR THE PARTICIPANTS OF THE AIDS/ARC VIGIL AND THEIR DEMANDS

WHEREAS, thousands of San Franciscans have shown their overwhelming support for the demands of the AIDS/ARC vigil participants who have remained chained to the Federal Building in San Francisco for several months; and,

WHEREAS, the City of San Francisco has adopted a resolution urging that the federal government recognize AIDS-Related Complex (ARC) as equally a devastating condition as AIDS itself, in some cases; and,

WHEREAS, the preliminary findings of the San Francisco Human Rights Commission (SFHRC) AIDS/ARC Public Hearings Advisory Committee indicate that those suffering from ARC are an underserved population; and

WHEREAS, the SFHRC was founded to protect the equal rights of San Francisco's under-privileged, disabled, and minority populations; and,

WHEREAS, a delegation representing the AIDs/ARC vigil participants will be sent to Washington, D.C. to lobby the U.S. Congress, direct appeals to federal government agencies, and gain the support of other AIDS/ARC advocacy organizations, and,

WHEREAS, the health and well-being of all San Franciscans is a fundamental concern for our City:

NOW, THEREFORE, BE IT RESOLVED, that the SFHRC hereby commend the courage, strength, and determination of the AIDS/ARC vigil participants;

AND, BE IT FURTHER RESOLVED, that the SFHRC support and advocate the four moral appeals of the AIDS/ARC vigil.

1. Increased federal government spending on AIDS/ARC research to $500 million. This amount represents one hour of federal government spending on AIDS and ARC for all of the current fiscal year.

2. Federal recognition of AIDS-Related Conditions (ARC) as a disabling illness. AIDS/ARC sufferers should have equal access to Social Security Insurance (SSI) and Medical.

RESOLUTION OF SUPPORT AND COMMENDATION
FOR THE PARTICIPANTS OF THE AIDS/ARC
VIGIL AND THEIR DEMANDS
Attachment (cont'd)

3. Immediate Food and Drug Administration Medical approval for the use, in the USA, of experimental drugs in treating AIDS/ARC conditions that physicians in other countries are allowed tp prescribe to their AIDS/ARC patients.

4. Public condemnation, by the Reagan Administration, of AIDS/ARC-related discrimination against current risk groups and immediate cessation of federal government incitement of fear and hatred which exploits this tragic epidemic.

######################################

Resolution 1-86
Adopted by the HRC 2/27/86

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HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, March 13, 1986
Room 1154 State Building
350 McAllister

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NEXT MEETING

DATE: Thursday, March 27, 1986
TIME: 9 AM to Noon
PLACE: Room 1200 State Building
350 McAllister Street

ROLL CALL

Commissioners:

Present: George Suncin (presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, John C. Morrissey, Joan Zamora Moulton, John Moylan, Nicerita Revelo, David K. Yamakawa Jr.

Excused: Sal Rosselli, Esta Soler, Brenda Wade, Rabbi Martin S. Weiner.

Staff

Present: Grant S. Mickins, Jack Casford, Linda Chin Richard Norton, Gail Roberts, Fern Schneiderman (intern), Pansy Ponzio Waller, Vicky Rathbone Zimpel.

No Pledge of Allegiance due to lack of a Flag.

Minutes of February 27, 1986 approved.

COMMUNICATIONS

- From Speaker of the California Assembly Willie Lewis Brown, Jr., enclosing a text of his January 8 address to the State Assembly, outlining a set of proposals as part of the Assembly's 1986 Democratic agenda.

- From Mayor Feinstein's Office, a brief summary of Civil Service Charter Reform Initiative-June 1986 Ballot.

- From John L. Taylor, Clerk of the Board of Supervisors, on behalf of the Board,on the initiative of Supervisor Quentin L. Kopp, requesting a report on how many contracts for supplies for construction have been awarded and how many MBE and WBE (Minority Business Enterprise and Women Business Enterprise)firms were awarded contracts as a result of the MBE/WBE/LBE (Local Business Enterprise) Ordinance, Chapter 12D of the City Administrative Code, enacted in 1984.

- From Mayor Feinstein a copy of her letter to Mark Gould, AIDS Health Project,relative to his letter relating to public hearings in February of the Human Rights Commission AIDS/ARC Committee.

- From Moira Shek So, Executive Director, Mayor's Office of Community Development, a Memorandum on the Community Development Block Grant (CDBG) "deferral", informing of efforts at the U.S. Senate (a Resolution cosponosred by California Senator Alan Cranston) and House of Representatives levels, as well as by the National League of Cities and the U.S. Conference of Mayors to challenge the $500 million cuts proposed by the Administration.

- From Henry Der, Executive Director, asking for the Director's comments on an analysis report, "The Broken Ladder: Asian Americans in City Government."

- From Kevin M. Hagerty, Assistant Director, Parking Authority of San Francisco, thanking Vicky Rathbone Zimpel of the HRC staff for a quick response to a request for HRC verification of Golden Gate Parking as the operator of the new 7th & Harrison surface parking lot.

- From M.H. Geistlinger, Director of Purchasing and Services, Purchasing Department, a copy to all department heads through Roger Boas, Chief Administrative Officer, of a Memorandum of guidelines on ordering services and commodities under the South African Divestment Ordinance.

- From Mayor Feinstein, a personal letter to Director Mickins, urging his support of the Civil Service Reform Initiative on the June ballot for San Francisco, and seeking endorsement and financial support for San Franciscans for Fair and Efficient Government.

- From Ray King, Director, Parking Authority of San Francisco, asking clarification on how the 5% credit for minority/women's local business applies on contracts.

- To Donald Birrer, Director, Department of Public Works, notification from Director Mickins of cancellation of a March 12, 1986 hearing on: Cleanwater SWOOP Contract No. 1015W,. Complaint of Noncompliance, HRC v. Arvie & Son Associates and Morrison-Knudsen Co. Inc,. informing that the Appellants have withdrawn their Appeal (of the Director's Finding of August 17, 1984), and worked out a satisfactory resolution of the matter with the HRC.

- From John L. Taylor, Clerk of the Board,of Supervisors, a copy of a referral from Supervisor Louise H. Renne of her request for legislation to be drafted by the City Attorney to establish a revolving fund as authorized by the MBE/WBE/LBE Ordinance (Chapter 12D) of 1984. The revolving fund, the Supervisor said in her March 3, 1986 Memorandum to Mr. Taylor, "..would be of significant assistance to MBEs and WBEs to meet bonding, insurance and other fee-related requirements, as well as, expedite payment for contract work."

- From John L. Taylor, an Intra-Office Memorandum to Each Supervisor and All Department Heads, transmittingthe schedule of hearings by the Finance Committee of the Board on the Mayor's recommended departmental budgets for 1986-87. The Human Rights Commission is to testify at a Finance Committee Public Hearing June 19, 1986 at 1:30 PM.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- San Francisco International Airport South Terminal Contract.

After extensive HRC staff work checking the minority/women status of subcontractors submitted, the contractor for the South Terminal construction project at San Francisco International Airport appears to be near acceptance as meeting MBE/WBE/LBE requirements, Director Mickins announced. The unsuccessful contractor/bidders have been notified by mail, he said.

Mr. Mickins said that the HRC currently is working with Trans-Bay/Lathrop Joint Venture company, and indications are that the Affirmative Action aspect of the $22,00,000 project will be approved by the HRC prior to the next meeting of the Airports Commission, which lets the final contract.

The Director singled out for special commendation Bayard Fong, HRC Affirmative Action Officer based at the Airport, and Vicky Rathbone Zimpel, Coordinator for their leadership work in the certification/investigation work.

- Commissioner Moylan requested a list of the names of the subcontractors that have been submitted by Trans-Bay/Lathrop Joint Venture company.

- Resolution of Appeal (by Morrison-Knudsen Co. Inc of

Director's Finding of Noncompliance in the Southwest Ocean Outfall (SWOOP) Clean Water Contract 1015 W by Morrison-Knudsen and Arvie & Sons Associates issued August 20, 1984. (and compalaint by P & K Trucking Company).

The attorneys representing Morrison-Knudsen Co. Inc. and Arvie & Sons Associates have notified the HRC of withdrawal of their Appeal of the Director's Finding, and a satisfactory resolution of the issue has been worked out with the HRC. The hearing of the Appeal before and HRC Hearing Officer set for March 12 was, therefore, cancelled.

- Requested Points of Clarification--Commissioner Moulton

1. The Commissioner noted that there was no Commissioner present at the hearing held on January 13, 1986 on the appeal of McGuire and Hester to the Director's Finding of June 24, 1985. Director Mickins informed her that the revised procedures adopted by the HRC called for a Hearing Officer in place of a Commissioner.

2. Certification of women who are working partners of husbands in companies vis à vis the 51%-ownership requirement. This point was postponed for discussion until later in the meeting.

STANDING COMMITTEES

ADMINISTRATIVE

HRC Vice-Chairperson GeorgeA. Suncin, Chairperson

- Requested Fiscal Year 1986-87HRC Budget Issues.

Commissioners were provided a Revised Analysis of Funding Issues for eight HRC program areas. Each gave the background on the work-function, the staffing, and the current status of the program, plus the dollar amount being sought for budgeting the work, and the issues involved in making the requests.

The functions covered were: implementation of the MBE/WBE/LBE Ordinance (Chapter 12D), fiscal/budget management, Lesbian/Gay community liaison; monitoring of Mayor's Office of Housing and Economic Development (MOHED); Intergroup Clearinghouse, and Administration.

These materials would be unsed by the HRC in its discussions with the Mayor's Office.

Gail Roberts announced that there already is Civil Service Commission approval for these budget requests.

Commissioner Yamakawa noted that in the area of MBE/WBE/LBE Ordinance function, the dollar figureand the number of staff requested has been reduced $60,000 "without explanation" from the analysis as approved in priniple by the Administrative Committee, and requested that it be re-referred to the Administrative Committee.

Ms. Roberts noted receipt of the priority position of the MBE/WBE/LBE Community Advisory Committee after consideration of the draft Budget Issues analysis, and said she had been advised by Frank Anderson of the staff to the Committee, before drawing up the analysis currently being considered.

It was then

****m/s/c, unanimously, to refer the entire package of Budget Issues back to the Administrative Committee, whose regular meeting date of March 26 was changed to March 19, at 5 PM at the HRC offices.

SPECIAL ORDER

- HRC Consideration of Appeal by McGuire and Hester to a June Finding of Noncompliance with Chapter 12D by the Director in re: San Francisco Port Commission Contract #2522 Pier 94 Site Development.

Before this Special Order took place (an account of which was transcribed electrically by a professional firm and will notappear in these Minutes), Deputy City Attorney Judith Boyajian instructed the Commissioners on the procedures to be followed, what action they were legally entitled and mandated to take, etc.

Director Mickins and the HRC were represented by Deputy City Attorney Mara Rosales Appearing on behalf of the Appellants, McGuire and Hester, was John Edwards.

The proceedings lasted approximately one hour.

It was

****m/s/c unanimously to accept the Finding of Noncompliance by the Director against McGuire and Hester of June 24, 1985.

- The Regular Meeting Resumed at 10:45 AM.
- Point of Clarification---Commissioner Moulton.

Resuming her comments earlier in the meeting, the Commissioner expressed concern that a woman who is a working partner with her husband in their community-property business might not qualify as a minority/women-owned business unless, under the HRC rules as they now stand, she holds a 51% working interest.

To Commissioner Moulton's request that this point be studied further and provision changed to permit women working partners of businesses to be certified as bonafide minority/women owners for purposes of contracting, the Acting Chairperson

****referred it to the Minority/Women/Local Business Enterprise Community Advisory Committee for consideration.

NEW MATTERS

- Form 730-Statement of Economic Interest.

Commissioners were provided copies of Form 730, Statement of Economic Interests for Designated Employees, instructions for completion of same, and of the Board of Supervisors Clerk's Memorandum giving a date of April 30, 1986 as the submission final date.

Commissioner Lee noted that the instructions Step 3 provide that, "If your interests have not changed since a previously filed Statement, you may attach a copy of the schedule from your prior Statement, provided the copy is legible. Be sure to mark the box on the Summary Page indicating that the schedule has been completed and attached."

The completed, dated, and signed Form 730s are to be sent to Jack Casford, who keeps them on confidential file at the HRC office.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, March 27, 1986 in Room 1200 of the State Building, 350 McAllister. Commissioner Morrissey pointed out that April 24, as scheduled, is Passover, a religious holiday, and efforts will be made to re-schedule this meeting to another date.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, March 19, 1986 Room 509, HRC Office 1095 Market Street
EMPLOYMENT	Thursday, April 3, 1986 9:30 AM 1050 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, April 15, 1986 5:30 PM to 8 PM Room 1200, State Building, 350 McAllister
MBE/WBE/LBE COMMUNITY ADVISORY •	Thursday, March 20, 1986 3 PM Bar Association of San Francisco 220 Bush Street, 21st Floor
HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES AND POLICE LIAISON	Wednesday, March 19, 1986 3:30 PM Room 509, HRC Office
YOUTH AND EDUCATION	Thursday, March 20, 1986 3:45 PM State Building Room 1200 State Building, 350 McAllister

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

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3/27/86

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, March 27, 1986
Room 1200 State Building
350 McAllister Street

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NEXT MEETING
DATE: Thursday, April 10, 1986
TIME: 10:15 AM to 1 PM
PLACE: Third Floor Commission Room
Main Library, Civic Center

ROLL CALL
Commissioners:

Present: George Suncin (presiding) Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, John Moylan, Rabbi Martin S. Weiner, David K. Yamakawa Jr.

Excused: Larry Martin, John C. Morrissey, Joan Zamora Loulton, Nicerita Revelo, Sal Rosselli, Esta Soler, Brenda Wade.

Staff:

Present: Grant S. Mickins, Bettye Burrell, Jack Casford, Eileen Gillis, Clemente Newball-Obregon, Richard Norton, Gail Roberts.

Richey Rice-Gore, guest, Employment Committee.

No Pledge of Allegiance due to lack of a Flag.

Minutes of March 13, 1986 approved.

COMMUNICATIONS

- From H.E. Geistling, Director of Purchasing and Services, through Roger Boas, Chief Administrative Officer, a memorandum to all Department Heads, regardingordering services and commodities under the South African Divestment Ordinance (passed by the Board of Supervisors January 27, 1986).

- FromU.S. Senator Daniel Patrick Moynihan, a copy of a general mailing letter of March 10, 1986 regarding his receipt of a special recognition award from the Council of the Great City Schools relative to securing passage of the 1984 federal Magnet School Assistance Act, of which he was the principal sponsor. A copy of the formal award was attached by the Senator.

The program, Title VII of the Education for Economic Security Act provides $75 million annual for magnet schools as part of desegregation plans approved by the Secretary of Education.

- From U.S. Assistant Attorney General (Civil Rights Division, U.S. Department of Justice) Wm. Bradford Reynolds, responding to a letter to the President December 3, 1985 from the HRC stating deep concern about the issue of affirmative action and reported Administration intentions to rescind or sharply revise Executive Order 11246. Mr. Reynolds stated that the Administration, "....currently-reviewing the enforcement program under the Executive Order to ensure that it conforms strictly to these principles." He said also that, "the Administration is fully committed to retaining the Executive Order as a powerful tool against employment discrimination by federal contractors and to requiring that all those doing business with the Federal Government engage in vigorous and fair affirmative action programs designed to ensure that minorities and women receive full consideration by the employer in all employment decisions."

- From Clerk of Board (of Supervisors) John L. Taylor, an Intra-Office Memorandum to each Supervisor and all Department Heads of March 12, giving the Finance Committee scheduled hearings on 1986-1987 departmental budgets. The HRC is to appear at a public hearing June 19 at 1:30 PM.

- From Bruce W. Lilienthal, President, Mayor's Small Business Advisory Commission, asking for information relevant to the small business community and announcing regular meetings the second Monday of each month in Room 282, City Hall, beginning at 5 PM. The Commission was established by the Board of Supervisors to provide the small business community with a voice in local government.

- From Mayor Dianne Feinstein, a Memorandum to all Department Heads and members of the San Francisco Disaster Council, giving a schedule of events of the yearly San Francisco Earthquake Drills.

- From Moira Shek So, Director of the Mayor's Office of Community Development, announcing that the Congress is responding (to community protests) with action withdrawing some of the previously-announced deep cuts in allocations of 1986 Community Development Block Grant Funds to cities.

- From Luther L. Roberts, Chief Executive Officer, National Community Development Association, Washington, DC., giving a legislative update relative to Congressional initiatives with respect to the "proposed deferral" of Fiscal 1986 Community Development Block Grant funds.

- From Kenneth C. Absalom, Esq., a member of the firm of Beeson, Tayer & Silvert, Attorneys at Law, enclosing a copy of a proposed revised draft Ordinance by Teamsters Local 665. See Director's Report for status of attempts to conciliate labor and minority /women business enterprise groups' positions on a proposed Board of Supervisors Ordinance 201-85-1 (City Government Contracts Job Protection).

- From Georgia Quiñones, Director, Community Boards of San Francisco, suggesting dates to the HRC for a presentation to be scheduled on the work of Community Boards. See Calendar Matters in these Minutes. The HRC will hear the presentation at its regular meeting Thursday, April 10, 1986 in the Third Floor Commission room of the Main Library, beginning at 10:15 AM.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- Status of Proposed Board of Supervisors Ordinance 201-85-1 (City Government Contracts/Job Protection

The HRC had voted to oppose this proposed Ordinance at its meeting of March 13, 1986 on recommendation of the Minority/Women/Local Business Enterprise Community Advisory Committee. The proposed Ordinance would require that private contractors awarded contracts for City work be required to offer employment to employees of the immediate private contractor, if any, such employment to be offered at a rate of wages and benefits not less than paid by the predecessor contractor. The Committee felt, it reported March 13, that such an Ordinance would hamper HRC efforts in implementing the MBE/WBE/LBE program by making it difficult for new bidders, many of them very small, to meet or know in advance the same wage and benefits levels as long-term, well-established contractors preceding them.

Director Hickins reported that he has been meeting jointly and individually with labor groups (the major labor unions involved) and

MBE/WBE/LBE representatives in an effort to conciliate and find common ground for conflicting positions. This work had been at the recommendation of the Board of Supervisors. On March 17, 1986, Director Mickins ,said he reported to the Board that he had been unable to find a basis for reconciling these positions.

The labor group subsequently, however, made some modification offers, to limit the scope of the proposed Ordinance to only four possible City services (including parking garage attendants,Municipal Railway bus repair workers, and janitorial workers). Teamsters Union Local 665 represents the parking garage attendants, and Service Employees Local 87 the janitors. (See Communications section letter from Attorney Kenneth C. Absalom, Esq. for for the Teamsters).

The MBE/WBE/LBE groups do not, however, believe they can accept this limitation offer and there the matter stands, the Director said.

The Board of Supervsiors will take final action on the proposed Ordinance Monday, April 7, 1986. The Mayor has announced she will veto it if passed.

Director Mitkins announced he was meeting at Noon on this day, March 27, at Knight's Restaurant with a group of labor representatives in a continuing effort at resolution of the differences.

He informed Commissioner Lee , who inquired about the legality of the proposed Ordinance, that the City Attorney has drafted an Opinion on that point, having routinely approved it as to form when first proposed, but not as to validity.

- San Francisco International Airport South Terminal Construction Bids

The Director (previously)had reported that the HRC had believed resolved the Affirmative Action review portion of a bid by Trans-Bay/Lathrop Joint Venture Company for a $22,000,000 project at the Airport, but that the Airports Commission March 18, after hearing protests from other bidders had decided to put the matter back out to bid.

STANDING COMMITTEES

ADMINISTRATIVE

George Suncin, Chairperson

- MBE/WBE/LBE Budget Issues

The Committee had been requested, on the initiative of Commissioner Yamakawa, to re-consider the entire package of Budget Issues (Revised Analysis of Funding Issues)for the HRC's budget requests for Fiscal 1986-87.

Of particular concern had been the request details for the function of implementing the MBE/WBE/LBE Ordinance (Chapter 12D). Commissioner Yamakawa had said the staff request had been reduced $60,000 'without explanation."

Director Mickins pointed out that the request had been expanded to request $114,448 for three positions, plus printing costs. The positions are a Contract Compliance Office I, a Contract Complaint Representative, and a Senior Data Entry Operator. This would, the request states, provide the technical and professional staff capability to implement more fully the MBE/WBE/LBE Ordinance.

With Commissioner Yamakawa noting that the action was only on the funding request for LEE/HEALTH implementation staff, it was then

*****m/s/c that the HRC approve the Revised Analysis of Funding Issues document for a $114,440.

Director Mickins said other aspects of the budget requests also were discussed at the Administrative committee, including a reapplication for Intergroup Clearinghouse support (the same as last year), an upgrading of the Office Manager position, a request for a Deputy Director position, and a request for materials and supplies for the Lesbian/Gay Liaison work.

YOUTH AND EDUCATION

Rabbi Martin S. Weiner/Nicerita Revelo, Co-Chairpersons

- Committee Report ---Requested Endorsements of Guidelines Relative to School Children with AIDS.

The Pediatric AIDS Advisory Committee of the Health Commission of San Francisco recently adopted a set of guidelines/ recommendations for the Department of Public Health relative to San Francisco Unified School District policies affecting children infected with AIDs. This action was by Resolution on February 4, 1986 at the Health Commission.

The Youth & Education Committee of the HRC voted at its March 20, 1986 regular meeting to request that the full HRC endorse these guidelines and urge that the School District and Board of Education adopt them.

The recommendations are that:

- The School District educate parents, students, and school personnel about AIDS and that school personnel not be screened or tested for AIDS infection.

- Infected pre-school children under three years of age not attend routine pre-school day care.

- Infected pre-school children three years and older with asymptomatic AIDS or a mild clinical form of the disease attend pre-school as long as all children in the school are toilet-trained.

- When a child is infected with AIDS, his or her medical history be reviewed by a committee of public health and School District personnel who will make recommendation for appropriate class placement.

- The Superintendent or a designee be informed when an AIDS-infected child is being placed in school.

- Precautions outlined by the Center for Disease Control and other infection control guidelines be adopted by the School District and that school personnel be trained in infection control procedures.

It was then

*****m/s/c (unanimously) that the HRC endorse the guidelines and urge that the Board of Education AND San Francisco Unified School District adopt them.

- A separate action was regarding a Policy on AIDS adopted by the Gay/Lesbian Community Youth Advocacy Council, which also had been discussed at the Committee. The following two recommendations were provided in documents in the Commissioner packets to study:

1. Since AIDS (Acquired Immune Deficiency Syndrome) is not spread by casual contact, no one, child or adult, shall be: required to take the AIDS antibody test, automatically barred from enrollment employment, participation, or attendance at school sites or in school functions have their confidentiality violated; or be discriminated against, because of AIDS or AIDS-related conditions. Special problems are to be handled by ordinary medical and public health guidelines.

2. The Superintendent shall provide staff, students, and parents with an ongoing AIDS education program, in cooperation with the AIDS Health Project of the University of California, the AIDS Foundation, the Department of Health, and the Bay Area Physicians for Human Rights, including: information about transmission and prevention, safe sex guidelines, IV drug risk; resources for services, homophobia, anti-gay violence, and human rights. The Superintendent shall furnish each student and staff member some AIDS information and educational material each school year. A saturation program shall be implemented to reach each district student, staff, and family by the end of the Spring 1986 school session.

It was then

******m/s/c that the HRC(unanimously) endorse these two recommendations and so inform the Board of Education and San Francisco Unified School District.

At the suggestion of Vice-Chairperson Suncin, the HRC agreed to extend its endorsement of the recommendations in a letter to the State Department of Education, saying that the Mission Childcare Consortium, on whose Board he serves, needs authorization from the State to provide training for parents relative to AIDS and children.

MBE/WBE/LBE COMMUNITY ADVISORY
David K. Yamakawa,. Brenda Wade, Co-Chairpersons

- Committee Report---Commissioner Yamakawa.

- The Committee met March 20, 1986.

1. It heard the update on the MBE/WBE/LBE staffing budget requests given earlier in this meeting by Director Hickins.

2. Prompt Payment of Contractors by the City. There have been complaints by some, mostly small, businesses contracting to the City that their payments for services over which there is any dispute. Commissioner Yamakawa said the Committee heard a descriptive report on the payment process by the City and County and will be hearing further from the Controller's Office.

3. Standardization of Certification Application Form In order to avoid duplicative work by MBE/WBE/LBE firms in applying for for certification from various Bay Area entitities, work is being done on designing one certification application form that could be used Bay Area-wide, such as with Caltrans, the City and County of San Francisco, Oakland, etc. He noted that San Francisco's inclusion of local busnesses is unique, whereas other areas have a 'disadvantaged' category San Francisco does not have.

4. Prevailing Wage Concerns. There are concerns by some minority businesses that the prevailing wage legislation as it exists or is proposed adversely affects them. The Committee is investigating if this is so and what resolution of the issue can be proposed.

5. Certification of Wives as Working Partner . Commissioner Moulton at the HRC March 13, 1986 meeting had expressed concern about HRC guidelines that preclude a woman who is a working partner of her husband in a business from being certified as WBE unless she holds a 51% working interest.

The issue was referred to the MBE/WBE/LBE Community Advisory Committee.

Commissioner Yamakawa said that while there was sympathy for the fact that women who may own 51% of the stock in a company or 51% of a partnership rather than a 50-50 community property arrangment may not be certified as bona-fide WBE, the Committee felt that the primary purpose of the HRC guidelines essentially was to assist minority-owned businesses. "Under the HRC guidelines, "he said", it is not just a matter of ownership that determines who in fact owns and controls the business." In the case of women, he continued what was intended was that businesses owned, managed, and controlled by women were what the HRC was trying to assist.

"Although, "he said, "there was some sympathy for the minor changes that might be made, the Committee felt unanimously that the guidelines should be kept as they are."

It was then

*******m/s/c (unanimously) to accept the MBE/WBE/LBE Advisory Committee report.

NEW BUSINESS

- AIDS Bike-a-Thon.

COmmissioner Lyon announced that Lesbian/Gay Liaison worker Eileen Gillis of the HRC staff would be participating in a May 3, 1986 '86 AIDS Bike-a-Thon, a pledge ride for AIDS Hospice and seven other AIDS support, education, and research work. Some cyclists will ride 25 to 100 miles on May 3, either in San Francisco or Marin County.

It was then

******m/s/c (unanimously) that the HRC sponsor Eileen Gillis as the Bike-a-Thon participant.

CALENDAR MATTERS

- It was announced by Director Mickins that the Community Boards presentation would be at the HRC at its regular meeting Thursday, April 10, 1986, in the Third Floor Commmission Room of the Main Library in the Civic Center beginning at 10:15 AM.

- It was announced that the regular meeting for April 24 has been cancelled in deference to the beginning of Passover, a religious observance. Commissioners were informed by mail earlier that the regular meeting has been re-scheduled for Wednesday, April 23, 1986 from 9 AM to 1 PM in Room 1154 of the State Building, 350 McAllister Street

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, April 9, 1986 Room 509, HRC Offices, 1095 Market
EMPLOYMENT	Thursday, April 3, 1986 9:30 AM 1850 Mission Street

LESBIAN/GAY ADVISORY COMMITTEE	Tuesday, April 15, 1986 5:30 PM-to 8 PM Room 1200, State Building, 350 McAllister
MBE/WBE/LBE Advisory Committee	Thursday, Apirl 17, 1986 3:30 to 5:30 PM Third Floor, Commission Room, Main Library Civic Center
HOUSING AND URBAN DAVELOPMENT	be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, April 17, 1986 3:45 PM Room 1200, State Building, 350 McAllister

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins via Jack Casford

GSM:JC:bclp
4/3/86

The issue was referred to the ABE/ADE/ESL Community Advisory Committee.

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, April 10, 1986
Third Floor Commission Room
Main Library, Civic Center

NEXT MEETING
NOTE: Meeting scheduled for April 24 cancelled
DATE: Wednesday, April 23, 1986
TIME: 9 AM to Noon
PLACE: Room 1154 State Building
350 McAllister Street, Civic Center

ROLL CALL

Commissioners

Present: Esta Soler (presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, John C. Morrissey, John Moylan, Nicerita Revelo, Sal Rosselli, David Yamakawa Jr.

Excused: Larry Martin, Joan Zamora Moulton, George Suncin, Brenda Wade, Rabbi Martin S. Weiner.

Staff

Present: Grant S. Mickins, Bettye A. Burrell, Jack Casford, Richard Norton, Gail Roberts, Fern Scheiderman.

Pledge of Allegiance

Minutes of March 27, 1986 approved with one change:

- Page 4, third line, the motion passed should read:

*****m/s/c that the HRC approve the Revised Analysis of Funding Issues document. ~~for a mere $114,000~~. (deleting the indicated clause).

COMMUNICATIONS

- To the Board of Supervisors, a letter from Director Mickins advising that a March 27, 1986 final meeting held with representatives of labor interests and of Minority/Women Business Enterprise organizations in an attempt to resolve differences---over a proposed City Ordinance (201-85-1) requiring retention by City contractors of all employees of the immediate private contractor at the same wages and benefits---had been unsuccessful in finding grounds for resolution. Mr. Mickins recommended that the proposed Ordinance be defeated. See Director's Report in these Minutes.

- From Supervisor Quentin L. Kopp, inquiring on behalf of a contractor seeking HRC certification as a Minority Business Enterprise.

SPECIAL ORDER

Presentation by Community Boards of San Francisco

- Commissioner Yamakawa had recommended that the guest presentation take precedence on the Agenda at this time.

- Georgia Bowen-Quiñones, Director of Community Boards of San Francisco, then gave a brief description of the makeup, function, procedures, and purposes of the organization. She distributed packets with brochures (some in Spanish as well as English), a CB Newsletter, copies of editorials and newspaper articles, etc., as well as printed materials relative to the School Initiatives Program, developed by the Community Boards organization at the request of the San Francisco Unified School District in 1982.

- Mr. Gil Lopez, of the Boards staff, then narrated a slide-show about Community Boards, illustrating its procedures in helping resolve community/neighborhood disputes.

It was stated that most of the disputes dealt with end in a resolution of agreement signed in the presence of all concerned parties, and that 95% of these argreements remain binding. Followups within two months are conducted, however.

Community Boards was founded in 1977 by Raymond Schonholtz, former attorney and assistant professor at the University Of San Francisco Law School. Some 1,300 persons have been trained in the procedures of Community Boards, and a force of some 400 volunteers works out of the three community San Francisco locations, the Church Street, Hayes Street and Leland Avenue offices. There is a wide spectrum of age, race, economic and social backgrounds represented. Training consists of 26 hours of sessions. Persons are trained to be case developers, panelists, follow-up workers, and outreach workers.

The School Initiatives Program has taught conflict-resolution skills to grade-school-level students, some of whom become conflict managers, wearing special identifying T-shirts, and helping sutdents express their problems clearly and reach their own best resolutions. The Program operates for kindergarten-through-twelfth-grade students.

- Nancy Hopson, a Boards volunteer, followed Mr. Lopez' slide presentation, describing her work and her commitment to the process of facilitating resolution of community/neighborhood disputes. She said she is a member of the San Francisco Governing Board, composed of twelve representatives from among the neighborhood volunteers and two from the Board of Directors of Community Board Program, Inc.

Ms.Bowen-Quiñones then returned to the podium to answer questions from the members of the HRC.

- She said that for ten years the Boards program has been funded privately, by grants from the Ford Foundation, the Bank of America, Chevron Corporation, Wells Fargo Bank, Aetna Life & Casulty, the Mott Foundation, the San Francisco Foundation, the Hewlett-Packard Foundation, etc.

- A National Training Center has been established, she said, and private foundations are now more likely to fund experimental-stage operations rather than a well-established organization. Thus, funding for Community Boards, Inc. is coming to an end from these sources.

- She said the Board of Directors is assessing what actions to take next, including consideration of trying for more private foundation and corportation grants, for direct-giving campaigns, etc.

- She said the Boards' services are without charge and that internally they are loath to institute any kind of fee system, believing that the great majority of their clientele could not afford to participate or seek help. Of the approximately 1,200 calls for assistance received annually, about half develop into cases, involving at least 1,200 persons to be visited and dealt with.

Chairperson Soler commented at this point that fees generally generate only a very small proportion of any agency's budget.

- Ms. Bowen-Quiñones stated that the Boards program has a good relationship with the San Francisco Police Department. She said that some 40% of their cases have had previous police involvement, and that of the others, without Board action, some 50% would probably end up as police cases. She said the law enforcement people have said that the Boards program saves a good deal of police and court costs monies annually.

- She said the public phase of dispute resolution procedures, where all parties meet together with a panel, are open to the public, but that in order to reduce potential problems, observers are there with the agreement of the disputing parties. These meetings are open, she said, to symbolize that the resolutions are seen as neighborhoods working together to resolve differences.

- She said that if agreements do not work out, new hearings can be offered, but that there is very little breakdown of these signed agreements.

Mrs. Bowen-Quiñones noted that finance cutbacks have reduced their six neighborhood offices to three. The budget currently for the year is $265,000 providing the three offices and eight personnel (six field staff, one Director, one Training Coordinator. The year before the budget was $535,000.

Chairperson Soler commented that as Director of the Family Violence Project of the District Attorney's Office, she had consistently been impressed with the expertise of the Community Boards staff, and had worked most cooperatively and productively with them.

Ms. Bowen-Quiñones then said that the Boards are seeking some kind of formal partnership or working relationship with the HRC, to be, in her words, "adopted or sanctioned by" the agency. She cited the HRC's present relationship with the Intergroup Clearinghouse and its Dispute Resolution function.

After further commentary, it was

*****m/s/c that the HRC ask its Administrative Committee to consider the request by Community Boards of San Francisco for a formal relationship with the HRC.

Community Boards is located at 149 Ninth Street, 552-1250.

The HRC then returned to its regular Agenda order.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- Proposed City Government Contracts/Job Protection Ordinance.

See Communications section of these Minutes. Director Mickins met March 27, 1986 at Knight's Restaurant with representatives of the major labor unions involved and Minority/Women Business Enterprise spokespersons in an effort to conciliate and find common ground for resolution of differences over the proposed Ordinance (201-85-1). He had tried on March 17 to work out these differences, but without success. The March 27 meeting also reached an impasse, he said, and he so reported to the Board of Supervisors at the regular meeting April 7. Board action on the proposed Ordinance was postponed to the Board regular meeting set for April 14.

- HRC Budget for Fiscal 1986-87.

It was announced that Ms. Zoraina Harris of the Mayor's Office has been named Fiscal Liaison to the HRC. Preliminary meetings have been held regarding the HRC's budget requests to the Mayor and a meeting with her honor is scheduled for the HRC Director, Chairperson, and Vice-Chairperson on Thursday, May 1, 9 AM. The Commission on the Status of Women budget meeting will be Wednesday, April 30, also at 9 AM.

- Appointment of Ralph Hurtado as Mayoral Liaison to HRC.

Mr. Hurtado succeeds Margaret Kisliuk as Special Assistant to the Mayor, assigned to the Human Rights Commission. Mr. Hurtado was present for this meeting and introduced from the audience.

STANDING COMMITTEES

ADMINISTRATIVE
George Suncin, Chairperson

- Committee Report.

The Administrative Committee meeting of April 9, 1986 was cancelled.

It was

*****m/s/c that the Committee process for its Agenda items be waived.

1. Adoption of the MBE/WBE Plan.

This is the Department MBE/WBE Action Plan of the Human Rights Commission, drawn up to establish the procedure the HRC will follow in implementing the MBE/WBE/LBE Ordinance, Chapter 12D. It calls for a commitment of $27,000 from the HRC budget for Technical Assistance and a Court Reporter. The duties of each budget segment are outlined, as well as set-aside percentages, goals, total contracting amount ($105,250), the Management-by-Objectives quarterly target, an outreach or action plan, etc.

On the recommendation of Director Mickins, it was

*****m/s/c that the HRC adopt the MBE/WBE Plan. The vote was unanimous.

- Chairperson Soler asked that the format for the Plan be rearranged, so that set-aside and goals information be more prominately indicated.

It was

*****m/s/c that this be done.

- Mayoral Review of the 1984-1985 Management-by-Objectives Performance of the HRC.

Copies of the Mayor's December 4, 1985 letter giving details of her review were provided the Commissioners. Gail Roberts noted two parts that need clarification. Ms. Roberts said that this was not an item requiring HRC action, but only discussion.

Commissioner Yamakawa was informed that discussion of the HRC's MBO performance on the 1985-1986 Fiscal Year and its plans for 1986-1987 Fiscal Year would be calendared for discussion at the next Administrative Committee meeting, Monday April 14, 1986.

NO NEW MATTERS

OLD MATTERS

- At the suggestion of Commissioner Lyon, it was

*****m/s/c to widen HRC support of the fund-raising AIDS Bike-a-Thon to all who will join staff member Eileen Gillis in the May 3 event.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Wednesday, April 23, 1986 at 9 AM in Room 1154 of the State Building, 350 McAllister, Civic Center. The meeting earlier scheduled for Thursday, April 24, has been cancelled, in deference to Passover observances.

STANDING COMMITTEES

ADMINISTRATIVE	Monday, May 14, 1986 Room 509, HRC Office 1095 Market Street
EMPLOYMENT	Thursday, May 1, 1986 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, April 15, 1986 5:30-8 PM Room 1200, State Building 350 McAllister Street
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, April 17, 1986 3:30 -5:30 PM Third Floor Commission Room Main Library, Civic Center
HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, April 17, 1986 3:45 PM Room 1200, State Building 350 McAllister

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

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OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, May 8, 1986
Room 1200, 350 McAllister Street
State Building

NEXT MEETING

DATE: Thursday, May 22, 1986

TIME: 9:00 a.m.

PLACE: Room 1200, State Building
350 McAllister Street

Roll Call

Commissioners

Present: Esta Soler (presiding) Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, John C. Morrissey, Nicerta Revelo, Brenda K. Wade, David Yamakawa, Jr.

Absent: Joan Zamora Moulton, John Moylan, Sal Rosselli, George Suncin, Rabbi Martin S. Weiner.

Guests: Richie Gore, Women in Apprenticeship; Ralph Hurtado, Mayor's Office; Maura Kealy, SEIU; Steve Newberger, SEIU; Barbara Thomson, former member of Employment Committee.

Staff: Grant S. Mickins, Frank Anderson, Linda Chin, Eileen Gillis, Norm Nickins, Richard Norton, Gail Roberts, Pansy Ponzio Waller, Gary Wong.

Minutes of April 10, 1986 approved.

COMMUNICATIONS

- From John L. Taylor, Clerk of the Board on behalf of Board of Supervisors regarding private contracts.

- From Barbara J. Thomson letter of resignation from the HRC Employment Committee.

- From Rita Semel, Intergroup Clearinghouse, Inc. copy of letter sent to Mayor Feinstein.

- From David H. Fielding, Law Offices of Bushnell, Caplan & Fielding regarding racism in the workplace at S.F. City Clinic.

- From California Association of Human Rights Organization (CAHRO) announcing their 13th Annual Training Conference to be held at the Saddleback Inn in Santa Ana, California, on May 29, 30, 31, 1986.

- From Chuck Forester, Special Assistant to Mayor Feinstein to Norm Nickins congratulating him for joining HRC staff to work on AIDS discrimination.

- To - Michael Tarbox, Office of Senator Milton Marks from Jack Casford requesting to reserve the meeting room at 350 McAllister for HRC Commission meetings.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

Director Mickins reported that during the past week, he and Commissioners Soler and Suncin attended a meeting regarding HRC's budget requests for 86-87 with Mayor Feinstein. There were requests for two positions, a Contract Compliance and a Representative position primarily to assist in the certification process however, the amount of money needed to fill these positions was not recommended by staff and was denied. Another funding request for a Contract Compliance Officer position to assist in the monitoring of the Mayor's Office of Housing and Economic Development (MOHED) contracts was funded fee only six months instead of for the funding request of one year. The additional year funding had been requested to allow for the proposed HRC for schedule program to go into effect. Director Mickins reported that HRC requested for a Deputy Director position but that was also denied. The other request for the Intergroup Clearinghouse which was initially for $15,000 was granted for only $7,500 beginning July 1, 1986, however, $7,500 will be held on reserve on the condition the program solicit matching money from private foundation grants. A minor addition of $4,000 to the HRC budget was given for the Lesbian/Gay Advisory Committee to continue staff's efforts in doing AIDS educational outreach.

Director Mickins stated that the budget was heard jointly with that of the Commission on the Status of Woman (COSW) COSW received $165,000, which basically stand at the same level.

Director Mickins introduced new staff member Mr. Norm Nickins who will work at HRC as a Specialist in AIDS.

STANDING COMMITTEES

Lesbian/Gay Advisory Committee
Phyllis Lyon/Sal Rosselli, Co-Chairpersons

Committee Report

Commissioner Lyon spoke in support of Dr. Shaw's case vs. U.C. Regents. She requested that two letters be sent. One to U.C. Santa Cruz in support of the pursuance of Dr. Nancy Shaw's case, noting its importance in challenging the cause of nondiscrimination in tenure review in the U.C. system and in light of the recent opportunity of court ordered mediation, that the HRC supports a fair and equitable make-whole remedy to be designed by the University as a precedent setting action and that U.C. be further encouraged to review tenure procedures to ensure nondiscrimination in future decisions.

Commissioner Lyon requested that a second letter also be sent to Dr. Shaw's defense committee.

It was

*****m/s/c that the letters be sent. The vote was unanimous.

EMPLOYMENT COMMITTEE
Larry Martin/John Moylan, Co-Chairpersons

Committee Report

Commissioner Larry Martin reported that the Employment Committee met and discussed Proposition D - the Civil Service Reform Initiative and that a representative from SPUR Mr. Mike McGill, the League of Women voters Ms. Ester Marks, and a Union representative, Ms. Maura Keeley were present at (those meetings) to discuss their concerns regarding initiative. Commissioner Martin introduced Ms. Barbara Thomson who served on the Employment Committee but recently resigned. Ms. Thomson reported that she is a former member of the Employment Committee but that while she was no longer on the Committee, she nevertheless, wanted to a express the concerns of the Committee. She mentioned that the Committee had the opportunity to listen to representatives from SPUR, League of Women Voters and union representatives. This provided the members with an opportunity to hear both sides of the issue. She felt some of the view points were biased, but that still they listening to both sides and it brought about some controversial discussion. Ms. Thomson felt that these discussions were advantageous to all of the members. Ms. Thomson explained that what she would be presenting before the Commission were her own personal opinions which would not necessarily be consistent with every other Employment Committee member.

She felt that ultimately, the Mayor as the Chief Executive Officer should have the authority to run the City as its Chief Executive Officer. But she felt, however, that this piece of legislation was not going to effectively implement that. She felt that it was not going to implement it effectively, equitably and take into consideration a lot of the progress that has been made in affirmative action. Specifically, she felt that the legislation excluded some of the members of protected classes for nondiscrimination i.e. veterans right protection. In her presentation she read from the Civil Service Initiative on a paragraph that dealt specifically with the delegation of responsibility of the personnel director. She compared the personnel director's duties to the declaration of personnel policy and felt that there were inconsistencies in respect to protected groups. She stated that ancestry, marital status, color, or medical condition were not included in the overall policy and she felt it was a major flaw in the legislation. Moreover, a major concern that she expressed was that there was no delegation of authority for affirmative action plan development and affirmative action monitoring and review i.e. establishing goals and on who would be responsible for affirmative action plans and goals.

Her final comment was on having an equitable composition of both male and female on the Commission. She also noted that there was absolutely no language with regard to ethnic and racial composition and she felt that with that alone it was so severe that the Commission should consider how faulty the language is in the initiative.

Commissioner Larry Martin moved that the Commission oppose Prop. D.

Director Mickins requested to speak and remarked that he had not done an analysis on the initiative as totally as he liked and conceded that there were areas which would be improved if they were left out. He remarked; however, that the Commission procedures have always been that if the Commission is going to take a position that the Commissioners also have equal representation from the other side.

Commissioner Lyon and Soler mentioned that both sides had been heard at the Committee level.

Director Mickins argued however, that he felt certain that the Commissioners should have the benefit of that kind of input in a matter as important as the one before them. He expressed that it bothered him if the Commission varied from the procedures of having to hear both sides. He felt sure that if the other side had an opportunity to be available they would have been present. He felt that if both sides were not present then it violated their own (Commission) policy and rules.

Commissioner Martin inquired whether or not the regular calendar had been mailed to everyone indicating that the issues was to appear on the agenda.

Director Mickins said it had been, however, he explained that when the Commission wants representation from both sides, that staff normally makes some effort to get the persons of both sides to appear.

Ralph Hurtado, from the Mayor's Office requested that it be noted that he had just received the calendar that same morning.

Director Mickins requested to make a second point. He stated that HRC staff had primarily presented this matter to the Employment Committee as an informational item to be referred to the Commission with no formal position pro or con to be taken.

Commissioner Morrissey stated that he certainly would have liked more information and more discussion at the meeting since he had not had enough time to analyze the initative and he said that he would like the matter to be put over to the next meeting.

Commissioner Soler stated that she felt there was a major time problem with putting it over and referred to Commissioner Martin to clarify the time frame before them on the initiative.

Commissioner Martin stated it was a major time problem because the item would be voted on by the public on June 3rd.

Director Mickins mentioned that there was another meeting scheduled for May 22nd.

Commissioner Soler requested to make one comment. She stated that she had had the opportunity to talk to Commissioner Martin and several other Commissioners and was very concerned on how the Employment Committee had dealt with the matter before them and that she considered it a positive way. She felt that the Committee had done an amazing job in bringing both sides forth. She stated that listening to both sides was the requirement of the Commission. She mentioned that within the last year, the Commission was able to use the Committees as research groups and to come to the full Commission with a recommendation. She felt that the Employment Committee had done a tremendous job of listening to both sides.

She stated that while she supported Commissioner Morrissey's concern, she nevertheless believed that in terms of the issue that the committee had far exceeded what had been done in the past. She requested that her comment be a part of the record.

Ralph Hurtado requested that it also be a part of the record that he had not been invited to the Employment Committee and asked that his name be placed on the mailing list.

Commissioner Martin responded that the Mayor's Office had been contacted but did not know the name of the person in the Mayor's Office but he felt certain that Mary Gin Starkweather, the HRC staff person of the Employment Committee would have the name of the person whom she contacted to appear before the Employment Committee.

Commissioner Lee inquired as to what was the recommendation of the Employment Committee.

Commissioner Soler replied that it was that HRC not support the initiative as was attached in the cover sheet from the Employment Committee.

Commissioner Morrissey stated that he had some questions in regards to the cover memo, specifically regarding item 4, the Rule of three. He wanted to know where in the initiative did it say that the Rule of three would be abolished and that the Rule of the List would be required.

Commissioner Soler requested that Maura Kealy, the Union Representative from SEIU, Local 790 respond.

Ms. Maura Kealy then stated that the amendment itself simply takes the Rule of three out of the Charter and makes it subject to change by the Personnel Director. She explained that the purpose of taking the Rule of three out of the Charter according to all of the proponents of Proposition D is to replace it by the Rule of the list. Ms. Kealy said that this has been stated by Deputy Mayor Peter Henschel, Deputy Mayor Jim Lazarus, Margaret Kisliuk, Special Representative to the Mayor, and Esther Marks, League of Women Voters, and the Mayor herself in repeated public statements. She noted that the intent of taking the Rule of three out of the Charter is to permit the Personnel Director to change that Rule to the Rule of the List. She explained that right now the Charter says you cannot use Rule of the List, you have to use Rule of three.

Commissioner Revelo expressed concern over the policy of the whole Commission. She stated that she supported the Executive Director Mickins statement in regards to listening to both sides. She felt that although the Employment Committee had brought the issue before them, that it was still the responsibility of the Commissioners to allow the other side to be represented.

Commissioner Martin pointed out that what the Commissioners had before them was not a one-sided issue but rather that both sides had been heard. He felt that the Employment Committee did an impartial review and sought both sides to explain their points of view. He stated that the Committee had listened to SPUR and to the League of Women Voters.

Commissioner Revelo reiterated her comment that she supported the Executive Director's statement.

Commissioner Martin concluded by saying that he felt that the role of the Human Rights Commission is a role in this community that has to stand for supporting workers and supporting causes - all causes. He stated that he felt affirmative action to be a very important issue. He stated that it was clear that affirmative action was going to be put in the hands of a mayor. He stated that if there was a strong Mayor who supports affirmative action, then affirmative action will be important. If on the other hand, there is a Mayor who does not support affirmative action, then he felt there would not be political strength to do anything about it. He felt that was a real threat and concern to him.

Director Mickins requested to make a clarification. He stated that the recommendation of the Employment Committee was that the HRC not support the initiative, not that they oppose it. He wondered whether the Commission was voting not to support or that they opposed.

Commissioner Soler asked Commissioner Martin to clarify the Employment Committee's recommendation.

Commissioner Martin stated that it was not to support the initiative.

Ralph Hurtado inquired if that meant that the Commission was voting for a no position. Commission Lyon called for the question.

It was

*****m/s/c that the Commission support the recommendation of the Employment Committee not to support the initiative. 8 ayes, 2 nayes (Commissioner Morrissey and Jung). Roll call vote was not done because the Commissioner noted that Commissioner Brenda Wade had just left the meeting.

MBE/WBE Advisory Committee

David Yamakawa, Jr. Chairperson

Committee Report

Before giving his MBE/WBE report Commissioner Yamakawa wanted to acknowledge Barbara Thomson's attendance for many years of service on the Employment Committee. He felt that she should be thanked for her many years of service. Commissioners Soler and Martin spoke highly after.

Commissioner Yamakawa reported on the draft letter that the MBE/WBE Advisory Committee staff prepared in opposition to Pendleton's report advocating dismantling of MBE/WBE set-aside programs. He moved that the Commission agree to send the letter on behalf on the entire Commission.

Commissioner Morrissey stated that he found difficulty with the letter in that it was an attack on the U.S. Commission of Civil Rights. He felt that the position of the HRC, should be that in San Francisco we recently adopted an MBE/WBE program and we think it is working reasonably well and we feel it sould continue at this time and we see no reason for changing it and we hope that the Civil Rights Commission and the Federal government support that. He felt that the main point and strongest position the HRC could take was that in San Francisco there is a program and that it is working well.

Director Mickins commented that he has been working with a task force, named the Committee to Save Affirmative Action which was called together by Fred Jordan and the Reverend Cecil Williams and various leaders who have been meeting on a weekly basis to address some of these issues. He felt that the (U.S. Civil Rights Commission) charges were very damaging in respect to the program and that the unsuspecting public could not possibly appreciate the depth of the issue without some discussion of it and of listening to the other side. He stated that partly the letter was written to the Civil Rights Commission but that it was also written because the group wanted a retort to the allegations in some available form, and to be able to distribute it to some of the organizations. He stated that basically it was an issue letter.

It was

*****m/s/c to send the letter. The vote was unanimous.

Commissioner Yamakawa reported that another issue discussed in Committee was in regards to proposed legislation before the Board of Supervisors. He stated the Committee felt that it was very difficult to find out what is pending before the Board of Supervisors. He stated that the MBE/WBE Advisory Committee was recommending to the full Commission that the Board of Supervisors be requested to publish regularly a list of the legislation that is being considered for enactment and that this would enable the citizens to track the many complex matters coming before the board.

It was

*****m/s/c that the Board of Supervisors be requested to develop a mechanism of regularly publishing a list of legislation that is being considered for enactment. The vote was unanimous.

Commissioner Yamakawa reported on the Jobs Protection Bill which divided the Board of Supervisors. He stated that the Committee recommended that letters of thank you be sent to the five supervisors who voted against the Ordinance but also in a positive matter that letters be sent to the three Supervisors voting for the Ordinance informing them of our availability to working together on issues that impact our MBE/WBE/LBE Ordinance.

He further reported that it had been noted in Committee that the certification process is being improved, and that at a later date, a full report would be provided.

Commissioner Yamakawa reported on the topic of a revolving fund which was in the Aileen Hernandez and Associates report, Between a Rock and a Hard Place which was discussed at the meeting also.

He stated that this type of a revolving fund is being considered by Supervisor Renne and that she is in the process of drafting an Ordinance and that the Committee would be working with Supervisor Renne on this matter.

Director Mickins commented that Airport 1416 AB was out to bid again and that hopefully with precertification there would not be as many problems this time.

NO NEW MATTERS

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, May 22, 1986. at 9:00 a.m., in Room 1200 of the State Building, 350 McAllister, Civic Center.

Meeting adjourned at 10:10 a.m.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, June 4, 1986 Room 509, HRC Office 1095 Market Street
EMPLOYMENT	Thursday, June 5, 1986 9:30 a.m. 1850 Mission Street
LESBIAN/GAY COMMUNITY ADVISORY	Tuesday, May 20, 1986 5:30 - 8:00 p.m. Room 1200, State Building 350 McAllister Street
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, June 19, 1986 3:30 - 5:30 p.m. Third Floor Commission Room Main Library, Civic Center
HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH & EDUCATION	Thursday, June 19, 1986 3:45 p.m. Room 1200, State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Pansy Ponzio Waller

GSM:PPW:ltn

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6/12/86

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, May 22, 1986
Room 1200, 350 McAllister Street
State Building

DOCUMENTS DEPT.
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NEXT MEETING

DATE: Thursday, June 12, 1986

Time: 10:15 A.M. to 1:00 P.M.

PLACE: Third Floor Commission Room
Main Library, Civic Center

Roll Call

Commissioners

Present: Esta Soler (Presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, John C. Morrissey, Joan Moulton, Nicerita Revelo, George Suncin, Brenda K. Wade, David Yamakawa,Jr.

Excused: John Moylan, Sal Rosselli, Rabbi Martin S. Weiner.

Staff: Grant S. Mickins, Frank Anderson, Bettye Burrell, Jack Casford, Ed Ilumin, Clemente Newball-Obregón, Norm Nickens, Gail Roberts, Gary Wong.

Guests: Richey Rice-Gore (Employment Committee)
Mark B. Kertz, Deputy City Attorney
Hadley Roff, Executive Deputy to the Mayor

No Pledge of Allegiance due to lack of a Flag.

The meeting scheduled for April 23, 1986 was cancelled.

The Minutes of May 8, 1986 were approved.

COMMUNICATIONS

- From Mayor Dianne Feinstein, expressing astonishment at the HRC action at its May 8, 1986 regular meeting "not to support" Proposition D on the June ballot (a measure known as the Civil Service Reform Initiative), urging that the HRC rescind this action, and attaching a May 9, 1986 Memorandum from Mark B. Kertz, Deputy City Attorney, to Hadley Roff, advising that the HRC action May 8, 1986 cited "...is improper." Mr. Kertz also stated, "...HRC has no(t) legislative authority to take an advocacy position on a ballet proposition."

- From City Attorney George Agnost, a May 21, 1986 letter regarding Ballot Proposition Endorsements to Director Mickins, also, in more detail, commenting on the May 8, 1986 action, urging prompt recission of it and stressing that, "Wilful failure to rescind the action would pose both personal liability and penalties under the Penal Code."

See discussion carried below under Director's Report.

- From Angela Gitten, Deputy Director, Business & Finance, Airports Commission, asking that the HRC inform on its position on a proposed Airports Commission rule that would require certification on construction and architectural/engineering contracts within ten days for all Airport contracts.

- From Constance Brand, Municipal Services Coordinator, Telecommunications Policy Committee, seeking information on public building addresses that would benefit the City and County by receiving cable television.

CHAIRPERSON'S REPORT

- Chairperson Soler announced she would shortly be responding to requests for Committee re-assignments from Commissioners.

DIRECTOR'S REPORT

- Budget for Fiscal 1986-87.

The City's Budget Analyst will be making his annual review of Budget requests for the Board of Supervisors in a week or ten days.

- California Association of Human Rights Organizations (CAHRO) Annual Conference.

The Director will be attending this event May 29 through June 1 in Santa Ana, California, at which time he will report in full on the HRC's Minority/Women/Local Business Enterprise program implementation.

- HRC Action May 8, 1986 Not to Support Proposition D, and City Attorney's Letter Directing Action be Rescinded.

The HRC spent more than two hours of discussion on this issue. Also participating in the discussion was Mark B. Kertz, Deputy City Attorney.

Hadley Roff, Executive Deputy to the Mayor, spoke near the end of the discussion and action period.

Director Mickins began by quoting from the May 21, 1985 letter to him from City Attorney George Agnost (see Communications section of these Minutes), in which the HRC was advised that its action (from the May 8, 1986 Minutes: "It was m/s/c that the Commission support the recommendation of the Employment Committee not to support the initiative. 8 ayes, 2 nayes (Commissioners Morrissey and Jung). Roll call vote was not done because the Commissioner noted that Commissioner Brenda Wade had just left the meeting.") "...is improper and must be rescinded."

Mr. Agnost also wrote-"..a public agency may not use its public resources to promote a partisan position in an election campaign."

-"...HRC has no(t) legislative authority to take an advocacy position on a ballot proposition."

-"...Prompt recission of your May 8 action would relieve your Commissioners of personal liability. Wilful failure to rescind the action would pose both personal liability and penalties under the Penal Code."

-"...HRC's adoption of the subject resolution constitutes an improper act as an official body of the City and County requiring recission. I urge you therefore to take prompt action to rescind this resolution."

Director Mickins cited the HRC's Rules and Regulations and Robert's Rules of Order that the HRC does have the authority to move to rescind in accordance with the City Attorney's request.

Mr. Mark B. Kertz participated fully in this discussion, responding to questions from members of the HRC on a number of points.

To Commissioner Morrissey, Mr. Kertz informed that the City Attorney's position on the HRC's lack of power to take positions in an election campaign is not restricted to City propositions. The HRC may, he said, make a communication to the Board of Sueprvisors and Mayor urging that they take some action, however.

Commissioner Martin and Lyon expressed misgivings that members of the public, members of the Employment Committee (which had recommended the May 8, 1986 action to the HRC), and others had not been informed that action on the recission request from the City Attorney would be on this May 22 agenda, and that there had not been sufficient time to consider all ramifications of the issue.

Commissioner Martin suggested that discussion, therefore, be postponed to a later meeting of the HRC, and he was joined by Commissioner Lyon.

Commissioner Wade joined Commissioner Morrissey in urging that discussion and action on the issue take place at this meeting. She stressed that there is concern that Proposition D potentially can do serious damage to the cause of Affirmative Action in the City. She urged that the HRC take definite action to voice these concerns to the Mayor.

Chairperson Soler commented that the issue was much broader, i.e., that in the future, based on Mr. Agnost's letter, the HRC would be unable to take a position on any ballot initiative. She noted that the HRC has over the years taken strong positions on ballot measures such as Proposition 13, the property tax cut of some years back, and Proposition 6, the proposed Handgun Control state measure, as two examples. The Agnost position would, she said, change the nature of the work that the HRC has done.

Commissioner Martin, speaking as Co-Chairperson of the Employment Committe, noted that the Committee had held public hearings on Proposition D since January, that the public had been informed, and that when the Committee made its recommendation to the full HRC, many members attended the May 8, 1986 meeting, but that the discussion and action of this date (May 22) had not been communicated to them.

To a question from Commissioner Lee regarding use of "public resources to promote a partisan position in an election campaign.." cited in the Agnost letter, Mr. Kertz said it would include use of a building, work time, stationery, meeting time, etc. He reiterated, as he was to do throughout this discussion, that the HRC had the power (on ballot positions) to urge a position be taken by the Mayor or Board of Supervisors, but it may not take a separate or unilateral position.

Commissioner Moulton and Lyon expressed personal concerns over the seeming official stance to discourage their actions. Commissioner Lyon said, "The ruling is in effect a denial of free speech to this Commission and every other commission in the City, or the country, or the State, for that matter." She urged that the HRC be given time to look into it further.

To Commissioner Yamakawa's question, Mr. Kertz then stated that any individual commissioner may, identifying him or herself as a member of a commission, take a position on a ballot issue or candidate, but may not do so saying he or she speaks on behalf of, or by the policy of a commission.

**** On motion by Commissioner Martin, seconded by Commissioner Lyon, that the proposed action to rescind the May 8, 1986 vote be tabled, a tie vote of 6 to 6 was cast, thereby killing the motion.

Commissioner Wade then stated that she felt there are two issues involved:

1. The HRC does not want to see Affirmative Action dismantled or not protected.

2. Will the HRC henceforth have the power to take positions on ballot issues or propositions?

She said the HRC should send a letter to the Board of Supervisors and Mayor stating its concerns about the protection of Affirmative Action, and move into research and further discussion on the right of the HRC in the future to take official positions.

Commissioner Wade proposed that a letter to the Board and Mayor refer specifically to points in Proposition D that pose a threat to Affirmative Action. She suggested, further, that a copy of the report of the Employment Committee regarding its recommended position on Proposition D be included, and that the Civil Service Commission also be sent a copy of the letter.

Noting emphasis that the HRC could take a collective position in such a letter (as opposed to members' rights as individuals to endorse or oppose ballot propositions), it was then
****m/s/c that (Yamakawa) the HRC write to the Mayor, and the Board of Supervisors, enclosing a copy of the Employment Committee report on Proposition D, spelling out specifically its concerns on ways it feels Proposition D poses a threat to Affirmative Action in the City, and that a copy of the letter and attachment go as well to the Civil Service Commission. The vote was 8 to 4 and the motion passed.

Regarding this motion, Deputy City Attorney Kertz again recommended that the HRC rescind the May 8, 1986 action (not to support Proposition D) and send a letter to the Mayor and Board spelling out its concerns.

There then followed commentary by Commissioner Yamakawa on that portion of the City Attorney's letter referring to personal liability: "Prompt recission of your May 8, action would relieve your commissioners of personal liability. Wilful failure to rescind the action would pose both personal liability and penalties under the Penal Code." The Commissioner first proposed invoking the HRC rule that matters not on the agenda be referred first to a Standing Committee before consideration of the full HRC, then moved that the issue be referred to the Administrative Committee.

To Commissioner Lee, Mr. Kertz affirmed that the purpose of the requested HRC action to rescind its May 8, 1986 action is to save individual members from liability.

It was then
****m/s/c that the May 21, 1986 letter from City Attorney George Agnost to Director Mickins relative to HRC action on proposition endorsements be referred to the Administrative Committee for discussion and recommendation.

As finally passed, by a vote of 11 to 1 (Morrissey), the action was to call a special meeting of the HRC for June 2 at 9 A.M., to discuss the issue and make a recommendation for action.

Mr. Kertz stated that it was important that HRC action be taken before the Citywide election, which takes place June 3.

The Chairperson at this point declared a brief recess. Prior thereto, Commissioners Suncin, Lee, and Wade left the meeting and did not return.

Hadley Roff, Executive Deputy to the Mayor, then addressed the HRC. He referred to the Mayor's letter of May 8, 1986, to Deputy City Attorney Mark B. Kertz's May 9 Memorandum, and to City Attorney George Agnost's May 21 letter to the Director, all pertinent to the HRC action of May 8 not to support Proposition D.

At his request, Director Mickins reported on the actions taken at this May 22 meeting. Mr. Roff said that the HRC's proposal to meet on June 2 to consider the recission request "flies in the face of the City Attorney's Opinion..", and further" ... intrudes into the political process, ...compounding the problem by becoming a political forum." Mr. Roff said that never, as far as he could determine, was the Mayor's Office contacted, either by the Director or any member of the HRC that the matter was even under discussion.

He said, "There was no opportunity for anyone who might be fully conversant with all the details....to speak to your Commission and offer at least some balancing viewpoint on a matter that is an important issue..."

He said, further, that the HRC action, in effect "...becoming a partisan body on one side of a ballot issue"... was far overstepping the purpose of the Commission. He urged reconsideration.

Commissioner Martin said he wanted the record to show that Mr. Roff's office was contacted in January and in February by staff for the Employment Committee (Mary Gin Starkweather) to come to participate in the Employment Committee discussions. He named Jim Lazarus as one member of the Mayoral staff contacted, and said a representative from SPUR (San Francisco Planning and Urban Research Association) did appear with pro statements on behalf of Proposition D. He also said that Mrs. Esther Marks appeared to present the favorable position of the League of Women Voters.

Mr. Roff then reiterated his major points:

1. The HRC had made a (improper, unauthorized)"political statement."
2. The legal foundation for recission had been established.
3. That the HRC should not defer action on the City Attorney's request and should vote on recission at this meeting.
4. The Mayor's Office was given no genuine opportunity to make its presentation on an important ballot proposition.

It was then
****m(Martin)/s/c that the HRC rescind its May 8, 1986 action "not to support" Proposition D, with the understanding that it would continue to send a letter to the Mayor and Board of Supervisors detailing concerns about Affirmative Action, previously voted.

- An earlier motion by Commissioner Martin to meet June 2 on these issues was passed unanimously, but, obviously, superseded by the later motion setting June 4 (Administrative Committee) for this action.

The vote on the motion to rescind was 8 to 1, with Commissioner Yamakawa voting No.

it was then
****m/s/c that the HRC ask the Administrative Committee to meet June 4 to discuss the City Attorney's May 21, 1986 position regarding HRC powers to take advocacy positions in the future. The vote was unanimous.

Mr. Roff thanked the HRC for the opportunity to address them.

STANDING COMMITTEES

YOUTH AND EDUCATION

Nicerita Revelo/Rabbi Martin Weiner, Co-Chairpersons

- Request for Endorsement of Assembly Bill 3653 (Agnost) Establishing a Pilot Hospital Diversion Project for Emotionally-Disturbed Minors in San Francisco.

Director Mickins (to Commissioner Morrissey's question as to procedure) stressed that HRC action on this measure was appropriate, as it is not a ballot issue, and informed, further, that the HRC notifies the City's State Legislation Committee for review to determine consistency with official City positions on legislation.

This bill would provide $250,000, matched by $250,000 by the City and County, to provide an intermediate residential care facility for emotionally-disturbed students. It would create a state-mandated local program, expanding the demonstration project in Ventura County, to include San Francisco.

Commissioners were provided with full background information about the proposed bill in advance of this meeting for their study. AB 3653 is scheduled for a hearing by the Assembly Ways and Means Committee on May 28, 1986.

It was
****m/s/c that the HRC endorse Assembly Bill 3653 (introduced by Assemblyman Art Agnos). The vote was unanimous.

- Requested Approval of Letter to Board of Education Commending Establishment of an Intermediate Residential Care Facility for Emotionally-Disturbed Youth.

Copies of the proposed letter were provided in advance to members of the HRC.

Juvenile Court Presiding Judge Daniel Weinstein had come to the Youth & Education Committee, urging that it consider this action. The Board, at its April 21, 1986, meeting, voted to issue certificates of participation to purchase and bring up to code the convent of the Helpers of the Human Soul's building at 214 Haight Street, to provide 24-hour residential treatment for emotionally-disturbed youth who cannot attend a regular school. Judge Weinstein testified that placement for many of these youth has been totally inadequate.

The letter asks that the Youth & Education Committee be provided with a copy of the annual report on the effectiveness of San Francisco's Pilot Hospital Diversion Project for Minors, scheduled to begin July 1, 1986, and further information about the educational component of the facility.

It was
****m/s/c that the HRC approve sending the letter of commendation to the Board of Education for acting to establish an intermediate residential care facility for emotionally-disturbed youth.

ADMINISTRATIVE

George Suncin, Chairperson

- HRC's Fiscal Year 1986-87 Management by Objectives Plan and First Six-Month Fiscal Year 1985-86 Data.

This presentation was postponed to the June 12, 1986 meeting of the HRC.

MBE/WBE/LBE/ADVISORY

David Yamakawa, Jr./Dr. Brenda Wade, Co-Chairpersons

- Committee Report.

This report was postponed to the June 12, 1986 HRC meeting.

NEW MATTERS

- Commissioner Morrissey expressed his concern that the HRC had not heard of the work and activities of its own staff, but concentrated on what other agencies and departments are doing.

CALENDAR MATTERS

- The next regular meeting fo the HRC will be Thursday, June 12, 1986, beginning at 10:15 A.M. in the Third Floor Commission Room of the Main Library.

STANDING COMMITTEES

Administrative	Wednesday, June 4, 1986 5:00 P.M. Room 509, HRC Offices 1095 Market Street
Employment	Thursday, June 5, 1986 9:30 A.M. 1850 Mission Street
Lesbian/Gay Community Advisory	Tuesday, June 17, 1986 5:30-8:00 P.M. Room 1200, State Building 350 McAllister
MBE/WBE/LBE Community Advisory	Thursday, June 19, 1986 3:30-5:30 P.M. Third Floor Commission Room Main Library, Civic Center
Housing and Urban Development	To be announced
Social Issues and Police Liaison	To be announced
Youth & Education	Thursday, June 19, 1986 3:45 P.M. Room 1200, State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:np

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6/12/86

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, June 12, 1986
Room 1200 State Building
350 McAllister Street

NEXT MEETING

DATE: Thursday, June 26, 1986
TIME: 9 AM to Noon
PLACE: Room 1157, State Building
350 McAllister Street
Civic Center

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ROLL CALL

Commissioners

Present: Phyllis Lyon (presiding), Samuel Chung, Joe Jung, Corrine Lee, Larry Martin, Joan Zamora Moulton, John Moylan, Nicerita Revelo, Sal Rosselli.

Excused: John C. Morrissey, Esta Soler, George Suncin, Brenda Wade, David K. Yamakawa.

It was announced that Commissioner Rabbi Martin S. Weiner, a member of the HRC since May of 1980, resigned effective May 23, 1986. Commissioner Weiner cited the increase in his responsibilities in the Jewish community, and expressed his hope to continue in a supportive role to the HRC. He is rabbi of Congregation Sherith Israel, and a recently-elected officer of the Central Conference of American Rabbis.

Staff Grant S. Mickins, Jack Casford, Richard Norton, Norm Nickens, Gail Roberts, Mary Gin Starkweather, Gary Wong.

-- Ralph Hurtado, Special Assistant to the Mayor.

No Pledge of Allegiance due to lack of a Flag.

The Minutes of May 22, 1986 were approved, with these changes:

- Page 1, Under Guests: Ralph Hurtado, Special Assistant to the Mayor should have been included.

- Page 1, under Staff present, Mary Gin Starkweather should have been included.

- Page 1, first paragraph under Communications, next to the last line, the last word should be "ballot" not "ballet."

- Page 3, second paragraph from the bottom of the page, Commissioner Moulton asked that her name be deleted,so the sentence begins, "Commissioner Lyon expressed personal concerns over the ....."

COMMUNICATIONS

- From Mrs. Alice Marie Graves, mother of Alonzo Burns, commending HRC Contract Compliance Representative Kevin Williams for his assistance to her son in a work-related problem, which was resolved.

- From George Agnost, City Attorney, a Memorandum of May 29, 1986 to all Department Heads, regarding Drug Testing of Employees, explaining the applicability of Article 33A of the Police Code, and detailing the procedures employers must follow in requesting employee drug testing pursuant to the public safety exception of the ordinance. The Memorandum also attached forms employers (department supervisors, for example) must complete requesting drug testing "...to identify the presence of chemical substances in the body which are likely to affect the ability of the employee to perform safely his or her duties while on the job."

- From John L. Taylor (Per Supervisor Doris Ward), Clerk of the Board of Supervisors, requesting a progress report on the number of contracts and the dollar amounts awarded under the Minority Business Enterprise/Women Business Enterprise/Local Business Enterprise program.

- From Carl D. Washington, President, Freedom Investment Company, San Francisco, a letter requesting a formal complaint against the awarding of the Muni Railway Diesel Fuel Contract to a chemical company., "based on the belief that they are not entitled to an MBE bid preference as a petroleum company."

- From Mayor Feinstein, informing the Director that she has included $1 million set aside as a one-time supplement to alleviate the losses in Community Development Block Grant dollars. This is in the Budget proposal for Fiscal Year 1986-1987. The federal Administration had earlier made cuts of 32% in CDBG funds, and the President's 1987 budget proposes another billion-dollar cut in these allocations.

Mayor Feinstein's Office of Community Development will present specific recommendations for use of the $1 million, with citizen review scheduled for early September, and final review by the Board of Supervisors in early October.

- From Moira Shek So, Executive Director, Mayor's Office of Community Development, a Memorandum sent to all 1986 Community Development Block Grant agencies, attaching a packet of information on the City budget procedures.

- From Chris Roggerson, District Director, Equal Employment Opportunity Commission, formal notice of dismissal of a complaint brought by Frank Woods, Jr., against the HRC, because of No Jurisdiction, in that no employee/employer relationship exists between the Charging Party and the HRC.

- From Mayor Feinstein, a copy of the Mayor's Budget Summary, Fiscal Year 1986-1987.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- California Association of Human Rights Organizations (CAHRO) Annual Conference.

The Director attended this conference in Santa Ana, California, May 29 through June 1. The keynote speaker was the Rev. Cecil Williams, pastor of San Francisco's Glide Memorial Church. Mr. Mickins said the Rev. Williams made an impressive presentation, highlighting the issues of the day, including discriminatory practices in the areas the HRC covers, and the homeless issue, and how it impacts on the Third World.

The conference also concentrated in the Affirmative Action role of HRCs, and the Director noted that there are approximately six more HRCs in the state than a year ago. Their formation, he said, is in contrast to the dissolution of HRCs that took place all over California after the passage of Proposition 13, the property-tax restriction measure, some years ago. Also prompting formation of the HRCs, he said, has been the upsurge in incidents of racial & religious violence, particularly in rural and surburban areas. The County of San Diego and Fresno are two communities that have re-established commissions, he said.

The Final Report, released in April, 1986, of the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence has made a number of recommendations (38 in all), and Attorney General John K. Van de Kamp has announced that he will propose civil rights legislation to impose criminal penalties for hate violence directed against minorities and Gays.

The 16-member commission was formed in May of 1984, in response to the murder of a Chinese-American, Vincent Chin, in Detroit, and similiar cases of hate violence in California.

The Report, Director Mickins said, designates what it calls "human relations centers", in counties and regions, and a member of the commission staff made a formal presentation to the conference on details.

The HRC provided information for hearings the commission held in San Francisco 1984-85 and maintained liaison with its staff. The HRC also has a copy of the Final Report.

The conference also heard from the Executive Director of a group called People for the American Way, discussing the growing public influence of the "new evangelists of the right," fundamentalist religious figures taking active political postures in the local and national electoral and legislative process. Mr. Mickins said that People for the American Way has some 250,000 members nationally; and that it carries out a program of public education about the perceived dangers from the evangelical/fundamentalist groups.

The Director said he plans to have a written summary of the conference at a later date.

- HRC Budget

The Director met recently with Jean Mariani and Washington Johnson of the Office of the Budget Analyst regarding the HRC Budget requests for Fiscal Year 1986-87, and the Commission on the Status of Women budget as well. They indicated that they will support the Budget as submitted. The HRC will appear before the Finance Committee of the Board of Supervisors June 19 regarding its Budget requests.

- Resignation of Commissioner Weiner.

See Roll Call section of these Minutes. Rabbi Weiner's letter of May 23, 1986, to the Mayor, indicated that he was resigning becuase of his increased responsibilities as rabbi for Congregation Sherith Israel, on boards within the Jewish Community, and his recent election as an officer of the Central Conference of American Rabbis.

STANDING COMMITTEES

ADMINISTRATIVE

Commissioner George Suncin, Chairperson

- Adoption of Article 38's Rules of Procedure: Norm Nickens.

Commissioner Lyon announced that the City Attorney's Office has not yet completed review of this material, and discussion was postponed to a later meeting.

- 1986-1987 Management-By-Objectives (MBO) Performance Estimates-Gail Roberts

This is the document submitted annually as part of the HRC Budget process with the Mayor's Office. Commissioners were informed of the report components: objective measures of HRC functions, Fiscal Year 1985-1986; annual targets figures; six-month performance for that fiscal year ; Fiscal Year 1986-1987 figures at 90% level of budget and at 100% level of budget. These annual targets for Fiscal Year 1986-1987 will then be developed once the budget is finally approved.

Among the objectives for the HRC are: review and approval of departmental MBE/WBE/LBE plans within two months; certification of bonafide MBE/WBE/LBEs; outreach to 500 MBE/WBE/LBEs and City departments; monitoring the MBE/WBE/LBE ordinance, 100 construction contracts and 75 architectural and engineering contracts; increased outreach and services to the Lesbian/Gay communities; maintaining investigation of discrimination while reducing time to resolve; increasing resolution of intergroup disputes; and investigation of housing and tenant landlord complaints.

LESBIAN/GAY ADVISORY

Commissioners Phyllis Lyon/Sal Rosselli-Co-Chairpersons

- Requested Approval to Send Letter of Commendations to Interns Sue Steiner, Dan Turner, and Caryn Callahan.

These students worked on specific assignments beginning in the Fall of 1985, earning academic credit, and Commissioner Lyon praised their contributions highly.

It was then

*****m/s/c that the HRC authorize the sending of these letters of commendation.

- Commissioner Moulton noted that the Lesbian/Gay Unit utilizes student interns to great advantage, and asked the Director to work with local institutions of learning to recruit more such qualified interns.

MBE/WBE/LBE COMMUNITY ADVISORY

Commissioners David Yamakawa/Brenda Wade, Co-Chairpersons

- Committee Report

No staff or Committee member was present.

NEW MATTERS

- Affirmative Action and the Reagan Administration Talk.

The Director announced that Bart Hess, Regional Representative of the U.S. Secretary of Labor Bill Brock, will speak on Executive Order 11246, Affirmative Action, and the Reagan Administration on Saturday, June 14, 1986 from Noon to 2 PM at Local 790 Hall, 240 Golden Gate Avenue. The meeting will be sponsored in part by Equal Rights Advocates and Tradeswomen, Inc.

Staff and HRC members were encouraged to attend. Secretary Brock is seen currently as the only " real defender" of Affirmative Action in the Reagan Cabinet.

- Associated General Contractors' Appeal in MBE/WBE/LBE Ordinance Challenge.

The Associated General Contractors of Northern California filed a civil rights suit October 24, 1984, seeking an injunction to keep the City from enforcing the MBE/WBE/LBE Ordinance, Chapter 12D of the City Administrative Code. A temporary restraining order was denied by Judge Thelton Henderson of the U.S. District Court, who later (August 7, 1985) ruled on constitutional objections to the City legislation.

The U.S. Ninth Circuit Court of Appeal will hear the AGC Appeal on June 13 in the Federal Building, 7th & Market Street. The case could go to the U.S. Supreme Court, depending on the June 13 action.

Deputy City Attorneys Mara Rosales and Phil Ward reportedly will represent the HRC in this Appeal procedure.

CALENDAR MATTERS

- The next regular meeting of the HRC will be in Room 1154 of the State Building, 350 McAllister, Civic Center.

STANDING COMMITTEES

Administrative	Wednesday, August 6, 1986 5:00 PM HRC Offices, 1095 Market Street
Employment	Thursday, August 7, 1986 9:30 AM 1850 Mission Street
Lesbian/Gay Community Advisory	Tuesday, June 17, 1986 5:30 PM-8PM Room 1200, State Building 350 McAllister Street, Civic Center
MBE/WBE/LBE Community Advisory	Thursday, June 19, 1986 3:30- 5:30 PM Third Floor Commission Room Main Library, Civic Center
Housing and Urban Development	To be announced
Social Issues and Police Liaison	To be announced
Youth and Education	Thursday, June 19, 1986 3:30 PM Room 1200, State Building 350 McAllister Street, Civic Center

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, June 26, 1986
Room 1157 State Building
350 McAllister Street
Civic Center

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NEXT MEETING

DATE: Thursday, July 10, 1986
TIME: 9 AM to Noon
PLACE: Room 1200, State Building
350 McAllister Street
Civic Center

Roll Call

Commissioners

Present: Esta Soler (presiding), Samuel Chung, Joe Jung, Larry Martin, John Morrissey, Sal Rosselli, George Suncin, Brenda Wade, David Yamakawa.

It was announced that Rabbi Allen Bennett has been appointed by Mayor Feinstein to succeed Rabbi Martin S. Weiner, who resigned May 23, 1986.

Excused: Corrine Lee, Phyllis Lyon, Joan Zamora Moulton, John Moylan, Nicerita Revelo.

Staff Frank Anderson (Acting Director in the absence of Director Grant S. Mickins, who is on Annual Leave util July 6, 1986, thence attending the 38th Annual Conference in Anchorage, Alaska, of the International Association of Official Human Rights Agencies (IAOHRA), returning to work July 16), Bettye Burrell, Jack Casford, Linda Chin, Eileen Gillis, Norm Nickens, Dick Norton, Veronica Ng, Jackie Winnow, Vicky Zimpel.

Ralph Hurtado, Special Assistant to the Mayor.

Ms. Ng was introduced by Mr. Anderson. She has joined the staff as a Contract Compliance Representative working on construction Affirmative Action. She was welcomed formally to her position by members of the HRC.

No Pledge of Allegiance. The meeting rooms of the State Building provided to the HRC for its regular meetings are not furnished with Flags.

- The Minutes of the regular meeting of June 12, 1986 were approved.

COMMUNICATIONS

- From Wilbur Chinn, President, Signet Testing Labs, declining, with regret, appointment as a member of the San Francisco Human Rights Commission's MBE/WBE/LBE Community Advisory Committee, and recommending as a replacement, Sylvia Kwan, President of the Asian American Architects and Engineers.

- From John C. Farrell, Controller, regarding an audit by Peat, Marwick, Mitchell, & Co. relative to the Minority Business Enterprises Program.

- From Mark Guerra, Director, State Department of Fair Employment and Housing, thanking Director Mickins for his participation, on behalf of the HRC, in a DFEH-sponsored roundtable project, now entering its third year. The round tables work towards a common goal of eliminating discrimination in employment and housing.

- From Tanette Goldberg, Chairman, Jewish Community Relations Council, inviting the HRC to join with the Jewish community, Protestant and Catholic clergy, members of the labor movement, and others in a program/vigil at the Holocaust Memorial in Lincoln Park at 12 noon on Tuesday, July 8, the day of the inauguaration of Kurt Waldheim as President of Austria. The HRC was asked to co-sponsor the event.

- From Daniel E. Collins, Deputy City Attorney, requesting a copy of the HRC's Rules of Order, and information on the agenda-setting procedures followed by the HRC, as well as how actions taken at HRC meetings are communicated to the Mayor and the Board of Supervisors.

Mr. Anderson reported that HRC staff response has been made to Mr. Collins on these inquiries.

- From State Deputy Attorney General Marian M. Johnston, announcing her resignation from the MBE/WBE/LBE Community Advisory Committee, and recommending Patricia Cutler, an attorney with Spiegel, Cutler, Liao & Kagay in San Francisco, as her replacement.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

Frank Anderson, Acting Director.

- The HRC Budget process continues, with no major changes or deletions in its formal request for Fiscal 1986-1987 functions. Mr. Anderson and David Treanor meet with the Finance Committee on June 26 when the HRC requests are considered.

- Associated General Contractors' Appeal in MBE/WBE/LBE Ordinance Challenge.

Oral arguments were heard before the U.S. Ninth Circuit Court of Appeal in this appeal, stemming from a civil rights suit filed by the Associated General Contractors of Northern California in October of 1984, seeking an injunction to keep the City from enforcing the MBE/WBE/LBE Ordinance, Chapter 12D of the City Administrative Code.

Commissioner Morrissey requested a copy of the brief in this case.

- Veronica Ng.

See introduction referred to earlier in these Minutes. Ms. Ng joins the HRC staff as a Human Relations Representative working in construction Affirmative Action.

- Inquiry from Deputy City Attorney Collins.

See Communications section of these Minutes above.

- Commissioner Morrissey said he would be interested in hearing reports on activity by HRC staff on issues like housing and the Hispanic definition. On the latter point, Chairperson Soler said the Administrative Committee is waiting for Commissioner Moulton to provide data on a report by the Mexican-American Legal Defense Fund.

MBE/WBE/LBE COMMUNITY ADVISORY COMMITTEE
David Yamakawa/Brenda Wade, Co-Chairpersons

- Committee Report. Commissioner Yamakawa

The Committee is now one year old. The second anniversary of the adoption of the Rules and Regulations to implement Chapter 12D will be observed with an event to be held the week of August 10.

Issues the Committee is addressing include:

1. Prompt payment by the City to contractors and subcontractors, a concern especially to small and minority/women-owned businesses brought out in the public hearings the HRC held that led to adoption of Chapter 12D.

This is a continuing concern, Commissioner Yamakawa, said, and Proposition B, adopted by the voters in the June, 1986 election, would allow more discretion to the City Purchaser,(by authorizing contracting up to $50,000 without Chief Administrative Officer approval) and ought in the long run to improve the speed of the payment process. The Committee continues to pursue improvement of the payment process, however.

2. The Committee is working with Supervisor Louise Renne on a proposal to create a City Revolving Fund, to make short-term loans to qualified minority and women-owned businesses.

   Commissioner Morrissey commented, and Commissioner Yamakawa agreed, that the Revolving Fund, if created, should not be used as a substitute for prompt payment.

3. The Prevailing Wage concerns of minority businesses continue to be studied by the Committee.

4. The backlog of certifications of MBEs and WBEs has been reduced, Commissioner Yamakawa reported, to an inquiry by Chairperson Soler, and the process is improving. Accreditation of architects, engineers and construction contractors is based in the HRC office rather the City Purchaser's office, he said, has greatly expedited this work, and the Committee is pleased with the process.

   Acting Director Anderson stated informally that the backlog has been substantially reduced. Some firms originally certified which have not obtained contracts have not applied for recertification.

- Office of Community Development Construction Contracts Report for the year ending December 31, 1985.-Bettye A. Burrell, HRC Contract Compliance Representative.

Commissioners had earlier been mailed copies of this report, which consists of four narrative pages, plus statistical tables showing; a summary of MBE/WBE participation in Mayor's Office of Community Development (MOCD) projects monitored by the HRC, a Comparative Analysis of MBE/WBE Participation; a Summary of MBE/WBE Participation in MOCD Projects Monitored by the HRC; Workforce Report by Trade for year ending 1984; and Annual Report figures for 1985 giving the name of project, amount of contracts, their contractor and subcontractor identification numbers, and their addresses.

Verbatim from the narrative section of this report, which is made annually:

This 1985 report is a summary of activities showing the employment status and the participation of minority-owned and women-owned business enterprises in the Mayor's Office of Community Development (MOCD)-funded construction contracts. The Human Rights Commission monitors all MOCD contracts of $10,000 and upward.

There are two thresholds of monitoring activity. On contracts from $10,000-$75,0 the HRC monitors to promote compliance with federal requirements for Affirmative Action and equal employment opportunity. All Community Development Block Grant-funded contracts must comply with the federal Executive Orders 11246 & 11375. Secondly, Chpater 12D of the San Francisco Administrative Code (MBE/WBE/ BE Ordinance), Chapter 12B of the San Francisco Administrative Code (Nondiscrimination in Contracts) and the HRC Affirmative Action Program for Construction contracts are applied and monitored on all MOCD-funded construction contracts over $75,000.

All MOCD-funded construction contracts are awarded through Community Development Block Grants (CDBG). The CDBG eligibility is designed principally to benefit low and moderate-income persons; to eliminate or prevent slums or blight; or to meet urgent needs. The categories of project-funded activities are: Non-Profit Housing Programs; Public Housing Rehabilitation Redevelopment Programs; Existing Neighborhood Center Rehabilitation Program; Public Service Administration; Economic Development Programs; and Programming and Management.

The nonprofit groups (such as the YMCA, Group Homes, Senior Citizens Center, etc.) and other interested parties apply for CDBG funds for their projects in one of these program areas. If the project involves construction, the group that is funded will be responsible for hiring the architect. The architect bids the contract and oversees the work. However, MOCD requires as a condition of funding that these groups comply with all ofthe City's contracting laws including affirmative action. They are required to send a public notice to solicit and/or advertise a bid. This notice must be advertised in a news publication for at least five days. They are further required to award the contract to the lowest responsible bidder. HRC monitoring efforts are therefore different on MOCD-funded contracts than on normal City contracts, as HRC staff has to work with these nonprofit groups rather than with the City as the project "owner."

B. Summary Highlights:

1. Status of MBE/WBE Participation:

1985	TOTAL CONTRACT AMOUNT	TOTAL (MBE) AMOUNT	MBE % OF TOTAL CONTRACTS AMOUNT	MBE % AS % OF MBE AMOUNT ONLY	TOTAL (WBE) AMOUNT	WBE % OF TOTAL CONTRACTS AMOUNT
	$21,906,000	$3,931,000	17.9%	100%	$27,000	0.12
Black		$1,139,000	5.2%	29%	-0-	
Hispanic		$ 667,000	3.0%	17%	-0-	
Amer. Ind/Als. Nat		-0-	-0-	-0-	-0-	
Asian/Pac Is.		$2,125,000	9.7%	54%	-0-	
Filipino		-0-	-0-	-0-	-0-	

As indicated above, Asian, Black and Hispanic contractors are the dominant groups with the total awards to MBEs amounting to $3,931,000 or 17.9%, and $27,000 or 0.12% to women-owned firms.

The HRC currently is updating its MBE/WBE Directory to better determine the exact number of available American Indian, Filipino, and women contractors. An increase by these groups in contract awards is anticipated in the future once the HRC has better established their availability, and is better able to target its outreach efforts.

C. Comparison with 1984

The total dollar amount of contracts awarded by the Mayor's Office of Community Development (MOCD) decreased in 1985, due to federal budget cuts.

The actual dollar amount of contract awards to MBE also has declined slightly since 1984 (from $ 4, 956,500 in 1984 to $3,731,000 in 1985). However, the actual percentage of MBE participation increased from 15% in 1984 to 18% in 1985.

A further comparison of the participation of the different ethnic minority and women contractors since 1984 indicates the following:

- Participation by Black contractors increased from 2% to 5% of the total contract awards. The increased level of Black MBE participation was due in part to two large contracts awarded to a joint venture between a majority and minority contractor .

- Participation by Asian/Pacific Islander contractors increased from 8% to nearly 10% of total contract awards.

The higher level of Asian participation compared to other groups is due in part to the tendency of Asian prime contractors to use mostly Asian subcontractors on their projects. While recognizing the complexity of this cultural and often language-related issue, HRC staff continues to work with Asian and all other contractors to ensure broad ethnic representation on all contracts. In addition, several Asian architects hired by the nonprofit groups for the project design have been successful in networking with contractors in their own community to encourage them to submit bids. Last year only one Hispanic architect and no architects from other ethnic groups were hired.

- Participation by Hispanic contractors dropped from 6% to 3% of total contract awards. The lower Hispanic representation is due in part to the small number of contractors that bid OCD work. Increased outreach is essential and will be a top priority next year.

- There was no recorded participation by Filipino or American Indian contractors in either 1984 or 1985.

- The percentage of WBE participation remained constant, although the dollar amount of awards decreased from $60,345 or 0.19% in 1984, to $27,000 or 0.12% in 1985.

D. Identification of Problem Areas

1. Most MOCD-funded construction contracts are bwetween $10,000 and $75,000 The HRC only monitors for MBE/WBE participation on contracts of $75,000 and over. In order to increase MBE/WBE participation on MOCD-funded contracts, MBE/WBE participation as prime contractors on contracts from $10,000 to $75,000 must be increased. (HRC's MBE/WBE participation goals were met on all projects over $75,000 last year. However, this only accounted for a little over $1 million of the $4 million awarded to MBEs/WBEs. The rest were through prime contract awards to MBEs/WBEs under $75,000.)

2. Participation by all ethnic groups and women needs to be increased, and the ethnic distribution of contract awards needs to be broadened.

E. Recommendations

1. To increase the participation of MBE/WBE prime contractors by:

   a. Increased assistance in filling out bid form (s) etc., with HRC's bilingual staff.

   b. Use of bilingual bid documents.

   c. Outreach in affected neighborhoods, trade associations, etc.

   d. Notification by either the architect or the HRC to MBEs/WBEs who generally seek out the smaller contracts from $10,000 by providing these contractors with the Notice of Intent to Solicit Bids.

   e. Publication of Notice of Intent to Solicit Bids in local neighborhood newspapers. such as:

      Tenderloin Times (Vietnamese, Laotian, Cambodian)
      New Bayview Newspaper & Sun Reporter
      El Tiempo (Spanish)
      El Tecolote (Spanish-English)
      Phillipine News (English)
      Asian Week

2. To broaden the ethnic distribution of MOCD-funded construction contract awards by:

   a. Working with MOCD and the nonprofit groups to award the project design to minority architects, including increased numbers of Black, Hispanic, Filipino, American Indian and women architects, who can then network with contractors in their own communities.

   b. Increasing outreach to Asian, Black, Hispanic, Filipino, American Indian and women contractors identified in the updated MBE/WBE Directory. Particular attention should be paid to improving the ethnic distribution of awards compared to 1984/85.

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Ms. Burrell announced that the Committee also recommends that technical assistance be provided all interested minority and women contractors, perhaps by means of a seminar, and that the HRC staff develop a checklist of common and reoccuring problems encountered by contractors in meeting the HRC requirements and procedures.

She said that the updated Minority/Women Business Enterprise Directory should be ready by mid-summer.

In Commissioner response to the verbal report by Ms. Bureell Chairperson Soler commented particularly on the critical need for stepped-up outreach to women-owned businesses (whose participation rating is virtually unchanged from when the first statistics were obtained about their share of City contracting, that is, only $27,000 or 0.12% in 1985) She noted also that Hispanic participation had dropped, and that there was no recorded participation (as the report states) by Filipino or American Indian contractors in either 1984 or 1985.

Ms. Burrell said that it was felt that present HRC staff can do this outreach, and she pointed out that contractors particularly express need for assistance in the paperwork required, in filling out forms and providing documentation, and in understanding the language used in bid forms.

Chairperson Soler called for more publicity and advertising of these contracting opportunities for the target groups.

Ms. Burrell responded to specific questioning from Commissioner Morrissey regarding attainment of participation goals, applicable only on contracts over $75,000. It was pointed out by Ms. Burrell and Ms. Vicky Zimpel, Coordinator of Construction Contracts monitoring, that the bulk of MBE/WBE contracts obtained are less than $75,000. Therefore the aim is to get more MBEs and WBEs bidding on and qualifying for the larger, or prime, contracts.

With expressed praise for Ms. Burrell's report and presentation, it was *****m/s/c that the HRC accept the Mayor's Office of Community Development (MOCD) Construction Contracts Report-Year Ending December 31, 1985.

LESBIAN/GAY ADVISORY COMMITTEE
Phyllis Lyon/Sal Rosselli-Co-Chairpersons

- Requested HRC Action on AIDS-related Legislation Pending in the State Legislature (Assembly Bill 3323, AB 4249, AB 3137, Senate Bill 2453, and SB 1513.

Copies of the legislation, and drafts of position statements were provided the HRC members for their study. It was announced that action on support of or opposition to the bills was all that was being requested, and that, following procedure, the HRC would forward notice of its positions to the City's State Legislation Committee for consideration, and for avoidance of any disparity with official City policy or position, and that then Ed Gerber, the City's lobbyist in Sacramento, would be authorized to follow through.

The bills described briefly by Jackie Winnow of the L/GAC staff, who also gave their status in the legislative process, were:

1. AB 3323 (Waters) regarding provision for automatic inclusion of U.S. Food and Drug Administration-approved medications, used for the treatment of AIDS, on the Medi-Cal Drug Formulary.

   It was

   ****m/s/c (unanimously) to urge City support of this measure.

2. AB 4249 (Vasconcellos)-regarding extending hospice service as a covered Medi-Cal benefit.

   It was

   ***m/s/c (unanimously) to urge City support of this measure.

3. AB 3137 (Vasconcellos), regarding prisoners and AIDS. The Committee had prepared a draft letter to Assemblyman Vasconcellos outlining its concerns that the current language infers that housing, care and treatment for inmates with AIDS may be accomplished by moving inmates out of state. It asks that he reconsider this latter condition to reword the bill to reflect the intent that no inmate be placed in a facility outside of the state, without his/her consent, in view of the trauma of inmates suffering a life-threatening illness being removed from their families and loved ones.

   With this condition, it was

   **** m/s/c (unanimously) that the HRC urge that the City support AB 3137, only with changed language to reflect that intent.

4. SB 2453 (Marks, Roberti)providing, for the purpose of Medi-Cal, the presumption of disability for victims of AIDS and severe AIDs-Related Conditions (ARC).

   It was

   ***m/s/c (unanimously) that the HRC urge that the City support SB 2453.

5. SB 1513 (Doolittle), regarding HTLV-III Testing of prisoners. It requires mandatory testing of prisoners.

   It was

   ****m/s/c (unanimously) that the HRC urge that the City oppose SB 1513.

- Comment on Ruling by U.S. Department of Justice.

The U.S. Justice Department on June 22 released a ruling that holds that employers and public health officials who believe they are preventing the spread of AIDS may discriminate against persons afflicted with it. The ruling comes as part of different interpretations of the Rehabilitation Act of 1973, which, under Section 504, prohibits discrimination on the basis of handicap in any program or activity that received federal monies.

Ms. Winnow said the ruling, which is likely to be challenged in the courts does not affect the implementation of San Francisco's Article 38, adopted in 1985, prohibiting discrimination on the basis of AIDS associated conditions, and those perceived to have AIDS. Staff continues to make contact with the media to underline that fact, and the fact that they will continue to implement Article 38.

Ms. Winnow said that the ruling just announced sets a very dangerous precedent by reinforcing the "myth" that AIDS is transmitted by casual contact.

- Requested Letter of Support for Lyon-Martin Women's Services Funding from Mayor's Office of Community Development.

This Service, described as the only one one of its primary kind providing medical care to Lesbians in San Francisoo, is requesting $80,000 for administrative and operational costs. Its clients are 70% Lesbian, and the majority are low-income.

It was

******m/s/c that the HRC formally support full funding ($80,000) from the Mayor's Office of Community Development as requested by Lyon-Martin Women's Health Services.

- Committee Report-Jackie Winnow

- Department of Public Health Director David Wedegar, M.D., will be asked to respond to earlier concerns expressed to him by the Commission for the creation of a Women's Coordinator of Health, and a Task Force on Women.

- Sunday, June 29, will be the City's annual Lesbian/Gay Freedom Day Parade. The HRC will have a booth in the Civic Center, marked by a purple banner with gold lettering, and staffed by members of the HRC staff and Committee members.

- Lesbian/Gay youth problems will be heard at the next Committee meeting, including suicide. L/GAC will ask the Youth and Education Committee to address the broad problems of suicidal youth.

- Adair Films, a Gay-identified film company, which produced "Word is Out," has had a contract suspended by the State Department of Public Health, and the Committee has been asked to look into it.

- The LaRouche Initiative, which has been opposed publically by the Mayor, and probably will be by the Board of Supervisors, will be discussed at the next HRC meeting. The Initiative proposes mandatory reporting of suspected HTLV-III virus carriers, exclusion of staff and children from schools, exclusion from various jobs, and would grant powers of quarantine and restriction of travel.

- Commissioner Wade announced that a landmark of AIDS film would be shown on Channel 9, KQED, June 26, the evening of this meeting, at 9:30 PM.

- Public Hearing Advisory Committee members have completed their input into the report, and Ms. Winnow is in the process of preparing the final report and set of recommendations and suggestions. Preliminary findings and recommendations will be submitted shortly.

ADMINISTRATIVE

George Suncin, Chairperson

- Adoption of Article 38's Rules of Procedure-Norm Nickens

Mr. Nickens reported that the City Attorney's Office has not yet completed review of this material. He met with staff June 25 to review their suggested changes, all but one of which he accepted. The final language will be drafted in early July, and there should be a report to the HRC by its July 10 regular meeting.

NEW MATTERS

- Acting Director Anderson announced (see Roll Call section of these Minutes above) that Mayor Feinstein has appointed Rabbi Allen Bennett to succeed Rabbi Martin S. Weiner who resigned as a Commissioner May 23, 1986 .

- Applause and congratulations were offered Chairperson Soler on this, her birthday.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, July 10, 1986, at 9 AM in Room 1200 of the State Building, 350 McAllister Street, Civic Center.

STANDING COMMITTEES

ADMINISTRATIVE:	Wednesday, August 6, 1986 5:00 PM - HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, August 7, 1986 9:30 AM 1850 Mission Street
LESBIAN/GAY COMMUNITY ADVISORY	Tuesday, July 15, 1986, 5:30 PM Room 1200, State Building 350 McAllister Street San Francisco, CA.
HOUSING AND URBAN DEVELOPMENT	To be annonnced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, July 17, 1986 (This meeting has been cancelled)

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins (Frank Anderson, Acting Director)
via Jack Casford

GSM:FA:JC:bclp
7/3/86

SF
H80
2
7/10/86

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, July 10, 1986
Room 1200 State Building
350 McAllister Street

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NEXT MEETING

DATE: Thursday, August 14, 1986

TIME: 9 AM to Noon

PLACE: Room 1200, State Building
350 McAllister Street
Civic Center

ROLL CALL

Commissioners

Present: George Suncin (presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, John Morrissey, Joan Zamora Moulton, John Moylan, Nicerita Revelo, Sal Rosselli, Brenda Wade, David Yamakawa.

Excused: Larry Martin, Esta Soler

Commissioner Lyon presided at the opening of the meeting until Vice-Chairperson Suncin arrived at 9:09 AM

Staff

Present: Frank Anderson (Acting Director in absence of Director Grant S. Mickins, who returns from Annual Leave July 16), Jack Casford, Linda Chin, Eileen Gillis, Ed Ilumin, Norm Nickens, Richard Norton, M. Gin Starkweather, Jackie Winnow, Gary Wong.

- Richey Rice-Gore, representing the Employment Committee
- Chuck Forester, Special Assistant to the Mayor, representing Ralph Hurtado, HRC Liaison with the Mayor's Office.

Guest: Gary Titus, Community Liaison in AIDS Activities, Department of Public Health.

- No Pledge of Allegiance due to lack of a Flag.
- Minutes of the regular meeting of June 26, 1986 were approved.

COMMUNICATIONS

- From David Werdegar, M.D., M.P.H., Director of Health, Department of Public Health, a copy of an Inter Office Memorandum from Ernest L. Montes, STD Services, and a copy of a Memo to him from Dean F. Echenberg, M.D., Ph.D., Director, Bureau of Communicable Disease Control, relative to rescission of a memorandum from Mr. Montes earlier proclaiming English as the language required for use by City Clinic staff.
- The HRC had been in contact with the Department of Public Health in response to concerns from the community. Dr. Echenberg's memo stated that "There is not now, nor has there ever been an 'English Only' policy in the Bureau."
- From LeRoy Jackson, Private Industry Council (of Contra Costa County) Operations Analyst, requesting input relative to a proposed ordinance establishing a Human Relations in Contra Costa County. HRC staff had responded to a number of requests for information about the makeup and functions of human relations commissions earlier. On July 9, 1986 the Board of Supervisors of Contra Costa rejected the proposed ordinance.

- From Mayor Dianne Feinstein, a June 26 Memorandum relative to telephone etiquette to be followed by City departments, and attaching a University of California-originated set of guidelines for courtesy.

- From the American Civil Liberties Union of Northern California, Inc., a copy of a June 26, 1986 news release relative to the opposition of a coalition of community groups (the ACLU, Mexian-American Legal Defense Fund, Japanese American Citizens League, Chinese for Affirmative Action, the Asian Law Caucus, and the Latino Democratic Club, among others) to a ballot initiative entitled "English as the Official Language of California," sponsored by the California English Campaign, part of former Senator S.I. Hayakawa's "U.S. English" organization. The initiative has qualified for the statewide California ballot for November, 1986.

- From Calvin C. Moore, Associate Vice President, Academic Affairs, Office of the President, University of California-Berkeley, acknowledging the HRC's support for Dr. Nancy Shaw. Dr. Shaw had been denied tenure by the Chancellor (she is a faculty member at the U.C. - Santa Cruz Community Studies and Multi-ethnic College.), In 1984, the U.S. Equal Employment Opportunity Commission found "reasonable cause to believe sex discrimination" as a factor in the denial of tenure. After study by the HRC Lesbian/ Gay Advisory Committee, and on its recommendation, the HRC had written formally to the University Board of Regents supporting Dr. Shaw. Mr. Moore wrote that the University"... still is involved in discussions with Dr. Shaw and her representative on the means for resolving equitably the disputes surrounding her tenure review."

- From Betty Sellers, Executive Director of the California Association of Human Rights Organization (CAHRO), on behalf of the County of Santa Clara Human Relations Commission, of which she is a member, requesting letters endorsing State Senator Garamendi's Senate Bill 2064, which would reqire the Division of Consumer Services of the Department of Consumer Affairs to administer a program of grants to public entities and nonprofit corporations for the establishment of dispute resolution programs for mediation, conciliation and arbitration of disputes.

- From George A. Wesolek, Executive Director, The Archdiocese of San Francisco Justice and Peace Commission, inviting Director Mickins and the HRC to serve as a select nominating committee for this year's Father Cuchulain Moriarty Human Rights Award.

- From Commissioner Moulton, a copy of a notice regarding a public hearing on a Charter amendment being introduced for the November ballot by Supervisors Molinari and Walker to fund supervised school yards and gyms from Open Space funds.) The hearing was set for Thursday, July 10, at 2 PM in the Board of Supervisors Chambers, City Hall.

- From David Werdegar, M.D., M.P.H., Director of Health, Department of Public Health, a letter responding with his concerns on points in the preliminary findings and recommendations of the AIDS/ARC Discrimination Public Hearing (February, 1986) Advisory Committee. See discussion below under Lesbian/Gay Advisory Committee report.

NO CHAIRPERSON'S REPORT

ACTING DIRECTOR'S REPORT
Frank Anderson

- Director Mickins will return from Annual Leave July 16. Chairperson Soler is on vacation through July 18.

- Mr. Anderson introduced: Mr. Gary Titus, Community Liaison in AIDS/ARCs Activities, Department of Public Health, who was present regarding the AIDS/ARC Discrimination Public Hearing portion of the agenda; Mr. Chuck Forester, representing Ralph Hurtado of the Mayor's Office; and Ms. Chu Ngoy, working as a summer intern at the HRC, under the Mayor's Summer Youth Program. Ms. Ngoy emigrated from Cambodia to this country approximately two years ago, and in that time has learned fluent English, as well as two Chinese dialects, in addition to her native Cambodian. She is working with the Minority/Women/Local Business Enterprise implementation staff.

- Small Business Advisory Commission - A reception in honor of this group was held by the Mayor on June 25, attended by several members of the HRC. The HRC will continue to work with the SBAC on interests of mutual concern, Mr. Anderson said.

- Intergroup Clearinghouse - The Clearinghouse honored Police Chief Frank Jordan at a reception July 8, an event also attended by a number of HRC members.

- Office Telephone System Problems - During the changeover by the City to a new telephone system, service at the HRC is disrupted, and the patience of all callers is needed during the transition period.

SPECIAL ORDER

- Proposed Resolution of the HRC to Receive and Accept Funding From the Mayor's Office of Community Development.

Copies of this proposed Resolution, which is a formal procedure required of all funding applicants for programs under the Community Development Block Grant program, were provided in advance to the members of the HRC. The HRC has monitored all construction contracts funded by the CDBG program and implemented a Fair Housing Program under Chapter 12 of the Administrative Code.

It was then
*****m/s/c that the HRC adopt the Resolution to Receive and Accept Funding from the Mayor's Office of Community Development. A full copy of the Resolution is attached to these Minutes.

STANDING COMMITTEES

ADMINISTRATIVE

George Suncin, Chairperson

- Adoption of Rules of Procedure for Filing a Formal Complaint under Article 38 (AIDS/ARC) - Norm Nickens.

Mr. Nickens reported that the City Attorney's Office has given final approval of the Rules of Procedure for filing a formal complaint under Article 38, the amendment to the San Francisco Municipal Code adopted by the Board of Supervisors November 12, 1985 prohibiting discrimination on the basis of Acquired Immune Deficiency Syndrome (AIDS) or any medical signs or symptoms related thereto (AIDS-related complex, or ARC). The HRC formally endorsed the ordinance October 24, 1986. It names the HRC as the City agency with which persons may file complaints under the provisions of the Ordinance, but a complaint to the HRC is not, under the wording of the ordinance, a prerequisite to the filing of either a criminal or civil action.

It was then
*****m/s/c to adopt the Rules of Procedure for Filing a Formal Complaint under Article 38 (AIDS/ARC). The vote was unanimous.

Commissioner Moulton at this point stated that she has asked two months ago for assignment to another Standing Committee (she has been Co-Chairperson of the Social Issues and Polic Liaison Committee) and that she wished the reassignment to be expedited.

LESBIAN/GAY ADVISORY

Phyllis Lyon/Sal Rosselli, Co-Chairpersons

- AIDS/ARC Discrimination Public Hearings-Draft of Preliminary Findings and Recommendations - Jackie Winnow.

Ms. Winnow reported that public hearings were held under HRC sponsorship February 4 and 5, 1986, prompted by a steady rise in reported cases of AIDS/ARC-based discrimination to the HRC and other agencies. The alarming growth in occurrence and severity of cases indicated a need for investigative hearings to assist people working in the area to determine viable solutions to documented problems.

The hearings were well-attended by members of the HRC. Sworn testimony was taken from 70 persons and 12 others submitted written testimony, and the hearings were conducted in accordance with all HRC public hearings.

An Advisory Committee made up of L/GAC Committee members, HRC members and staff, and community members was formed to plan and implement the hearings and then, with the addition of a person with AIDS and a person with ARC, to give input to the findings and recommendations coming out of the report of the hearings. A court reporter took verbatim records of the hearings.

The committee worked as a team, carefully reviewing all the written and oral testimony presented, analyzing the verbatim testimony, and preparing the preliminary findings and recommendations.

Members of the Advisory Committee are: Commissioners Phyllis Lyon, Sal Rosselli, and Chairperson Esta Soler; community and agency representatives Bill Hartman (now deceased), Chuck Frutchey, Ron Braithwaite, and Jeremy Landau; L/GAC members Jerry Dunbar, Norm Nickens, Marcy Rein, and Lester Olmstead-Rose; HRC staff interns Sue Steiner and Dan Turner; and HRC L/GAC staff members Eileen Gillis and Jackie Winnow.

The preliminary draft of the findings and recommendations presented at this meeting pertained to the City's public sector. The draft of the report itself is well over 200 pages.

Cited in the text of the preliminary draft, a full copy of which was provided each member of the HRC, along with excerpts from the summary of the hearings testimony, were City departments such as the Department of Public Health, the Equal Employment Opportunity Unit of the Civil Service Commission, the Department of Social Services, San Francisco General Hospital clinics, etc.

Commissioner Lyon stressed that the material provided in the meeting packets is a preliminary draft of findings and recommendations pertinent to City departments and agencies. She said it was being issued at this time because of the critical nature of the the AIDS/ARC crisis, in order to begin dialogue with service-providing departments where some problem areas had been identified in hearing testimony.

She said no one is suggesting that the City and County of San Francisco is not the foremost municipality in the nation and perhaps the world in taking action on the AIDS/ARC crisis. She praised the entire City Administration, from the Mayor on down, for their response and action, but said that the crisis was taking on such "huge proportions" that it was inevitable that there would be problem areas.

Commissioner Rosselli echoed Commissioner Lyon's remarks, singling out for praise Ms. Winnow and the members of the Public Hearing Advisory Committee for their work on the public hearings and subsequently. He, too, said that San Francisco is a model for the rest of the world in its record of response with specific action on the AIDS/ARC crisis.

Acting Director Anderson stated that the preliminary report with its findings and recommendations was mailed July 3 to the Mayor, to key City departments (Public Health and Social Services) and to members of the HRC. He said that as a result of misunderstandings by some about the preliminary nature of the report, he had received some communications protesting items in the findings and recommendations. He said steps had been taken already to establish communication on these concerns for resolution of them in mutual discussions. He pointed out the July 9 letter from Dr. Werdegar, the Director of Health, which was given to each HRC member at this meeting. It had been delivered to the HRC the night before.

He pointed out all City departments mentioned in the preliminary report would have an opportunity to discuss their concerns, especially pertaining to allegations of discriminatory policies in providing certain City services which need investigation particularly. He reiterated that all City departments that have these concerns will be given opportunity for meetings with the HRC on them, and he commended Ms. Winnow and others of the HRC staff in drafting the preliminary report. He announced that any City Department that wishes may see the verbatim court reporter's document of testimony at the February 4 and 5 public hearings.

There was uncertainty expressed as to how widely the preliminary report, which had a limited first distribution, has subsequently been disseminated.

Commissioner Yamakawa was informed, to his inquiry, that it was hoped that the final draft report of the hearings would be reviewed by late summer and discussions with City departments initiated, and that completion of the final report would be accomplished in the fall.

Commissioner Yamakawa noted that there is a distinction about what he called "negative comments" as applied to City departments and private agencies. He also noted that the HRC had taken the public hearing route towards studying the status of AIDS/ARC services and allegations of discrimination in them, rather than by conducting investigation by individual staff members of each complaint case that was filed with it. He expressed praise for the work and energy of the HRC staff and the Advisory Committee. Noting some dissatisfaction about the preliminary findings and recommendations, he expressed concern that the report not be delayed and the process altered.

Commissioner Morrissey was told, in answer to his inquiry, that allegations that cited specific City departments, for example, San Francisco General Hospital, had not been referred to them directly to date. He then asked about use of the allegations in making the findings and recommendations in the preliminary report, and was told that some of them(from the verbatim sworn testimony) were combined.

He then stated that it would be appropriate to ask each agency cited to respond to each finding it objects to and indicate what information it could offer to be "against the finding."

It was stressed by staff that the HRC is not going to investigate all of the allegations made at the hearings separately. Commissioner Lyon noted that the process being followed in this instance (the public hearings of February 4 and 5) is that followed in other similar public hearings held by the HRC, e.g., discrimination against minority and women businesses, through sworn testimony. She noted that departments and agencies would be given full opportunity to react and respond to these preliminary findings and recommendations.

Commissioner Rosselli stated that the findings of the public hearings are very serious, as are the problems raised by testimony, and he reinforced the procedure of having discussions with the departments and agencies cited. He said it was premature at this point for a full discussion before these meetings took place.

Commissioner Morrissey urged that the HRC be kept informed of points on which City departments did not concur with specific findings and allegations.

- Proposed Resolution Opposing Mandatory HTLV III Testing.

The text of the proposed Resolution was provided to all members of the HRC, along with a news release of April 2, 1986 from the San Francisco General Hospital Medical Center, quoting two University of California-San Francisco infectious disease specialists, John Mills, M.D., and Constance Wofsy, M.D., to the effect that "mandatory testing for the antibody to the AIDS retrovirus should not be implemented for control of AIDS."

Commissioner Lyon reported that in recent weeks there have been introduced into the State Legislature a number of bills seeking to impose mandatory testing for AIDS for various populations. She stated that the vast majority of specialists dealing with AIDS (public health officials, physicians, social workers) have been virtually unanimous in opposing mandatory testing. There is a State law (AB 408, the Confidentiality Bill [Agnos], passed in 1985) that prohibits mandatory testing.

The reason for the proposed Resolution, she said, is to enable to the HRC to respond immediately to challenges in the Legislature to the standing prohibition against mandatory testing.

Commissioner Morrissey said that he felt that the HRC was being asked to take a stance on a situation (testing of a particular group, for example) where testing might be beneficial.

Commissioners Rosselli and Lyon stressed that the idea was to have the HRC oppose mandatory, non-consensual testing (that to which the individual did not agree to be tested.)

Mr. Nickens pointed out that the HRC had in the past taken positions on individual pieces of legislation in opposition to mandatory testing, but that it had not yet taken a general position in opposition. He noted that the proposed Resolution specifies mandatory non-consensual testing, but would allow testing where consent would be given. It would not, he said, rule out any research or testing program that operated under a consensual process for participants to be tested.

Commissioner Wade said that in her view the "underlying logic" was that the HTLV III testing differed from testing for, say, tuberculosis, in that it crosses over into the political, human, and civil rights fields. She pointed out that the presence of the antibody does not mean the person needs medical attention. She said that AIDS is not, like tuberculosis, an airborne disease, and that mandatory testing which reveals that a person has the antibody may well cause that person to be discriminated against. She said in her opinion there is no medically-indicated reason for having the antibody test without consent.

Commissioner Lyon told Commissioner Moylan, to his question about the existence already of a State law (AB 408, the Confidentiality Bill of 1985) prohibiting nonconsensual testing, that there are continued efforts to weaken or "nibble away" at that law in the State Legislature, and she re-emphasized that the HTLV III test does not show that the person tested has AIDS, but only that he/she has the antibody.

Commissioner Morrissey repeated that he felt that with the presence of the Agnos bill there was no need for the proposed Resolution.

It was then
*****m/s/c to adopt the Resolution Opposing Mandatory HTLV III Testing. A full copy of the text of that Resolution is attached to these Minutes. Commissioner Morrissey voted No.

- U.S. Department of Justice Ruling (a legal opinion) Regarding Legal Rights of Persons with AIDS.

Commissioners were provided with copies of an article from the New York Times of June 24, 1986 about a legal opinion released by the U.S. Department of Justice on June 23 pertaining to the legal rights of people with AIDS. The U.S. Department of Health and Human Services had requested legal advice from the Justice Department on March 11 on whether AIDS is a handicap under federal law (the Rehabilitation Act of 1973, Section 504) prohibiting discrimination on the basis of handicap in any program receiving federal funding.

According to the Times, the Justice Department legal opinion states, in essence, that if a person with AIDS is excluded from a federal program, or dismissed from a job, because of (employer) concern of the spread of AIDS, the dismissal would not necessarily be illegal. The legal opinion thus appears to allow greater latitude, the Times article says, for administrators to discriminate against AIDS victims, if they declare a public health concern.

Chairperson Soler had asked Commissioner Rosselli to request that the HRC write its formal protest to the legal opinion of the U.S. Justice Department.

Norm Nickens gave a brief summary of the U.S. Justice Department's legal opinion, conveyed in a memorandum to the U.S. Department of Health and Human Services.

He noted that the Civil Rights Division of the Justice Department had issued an opinion that AIDS was a handicap under Section 504 of the Rehabilitation Act of 1973, but that when this got to the General Counsel's office at Justice, some major changes (narrower interpretations) were made.

He said that Health and Human Services has rejected that opinion, and that virtually every legal group that considers such actions had rejected it as well. He said that the opinion is only advisory, and not binding on federal agencies. He said that it was important the HRC take a position on the Justice Department opinion in light of his having attorneys expressing to him their stance that they need not follow the San Francisco AIDS protections (i.e., the Article 38 protections) if the federal government has ruled otherwise. He said the opinion does not directly affect Article 38, but does affect the climate in San Francisco by encouraging employers to discriminate against people with AIDS.

It was noted that Chairperson Soler's letter to the editor of the San Francisco Examiner printed on June 29 had emphasized that the HRC would continue to implement Articles 38 and 33.

It was then
*****m/s/c that the HRC express in a letter its opposition to the U.S. Department of Justice's legal opinion regarding the legal rights of persons with AIDS. Commissioners Moylan and Morrissey voted No.

Commissioner Morrissey expressed reservations about the action to approve sending a letter opposing the Justice Department opinion/ruling because there had been "no discussion" and no one on the HRC had read the full text of the opinion in question. Commissioner Morrissey said he had read a letter from Assistant Attorney General Charles J. Cooper published in the July 9, 1986 New York Times, charging that the June 24 Times article was inaccurate.

Commissioner Moylan concurred with Commissioner Morrissey, and requested that the HRC be given an opportunity to read the opinion.

Mr. Nickens said he had a copy of the opinion in his office at the HRC.

*****Commissioner Yamakawa asked that a copy of the letter sent be provided each Commissioner by first-class mail as soon as it was sent.

YOUTH AND EDUCATION

Nicerita Revelo, Co-Chairperson

- Committee Report

Copies of a letter the Commissioner sent to all Committee members on July 1 were provided all members of the HRC. The letter announces that its meetings of July 10 and 17 were cancelled, "...due to the policy that during months of July and August we set aside time to allow staff to prepare for the coming year..." The letter says that an invitation will be sent to the new Superintendent of the San Francisco Unified School District to meet with the Committee October 16, 1986.

Commissioner Revelo announced that Youth and Education Committee will study the new Master Plan for the School District and make recommendations.

Commissioner Revelo requested that Commissioners be given guidelines to follow in the future regarding setting committee meeting schedules.
It was then*****m/s/c that the HRC accept the Committee Report.

NEW MATTERS

- Commissioner Morrissey asked for information on the status and progress of the Headstart program, about which the HRC had heard some years earlier.

- Commissioner Yamakawa noted that:

1. Any Committee chairperson or co-chairperson may set the meeting schedule of a Standing Committee as he or she sees a need.

2. The Headstart program has had a number of national longitudinal studies done, showing significant success in its work with children and parents in public schools, and the pre-school level.

*****Acting Chairperson Suncin referred Commissioner Revelo's concerns about committee meeting schedule guidelines to the Administrative Committee.

- Jackie Winnow announced that the next HRC meeting will have a discussion of the La Rouche Initiative, which proposes mandatory reporting of suspected HTLV III virus carriers, exclusion of staff and children from schools, exclusion from various jobs, and the grant of powers of quarantine and restricktion of travel.

- Two pamphlets, one on AIDS discrimination and one on sex discrimination (titles, respectively: "Are you Being Discriminated Against Because of Your Sexual Orientation? FIGHT BACK!"; and "Are You Being Discriminated Against Because of AIDS/ARC?"). Each gives information, referral guidelines, complaint-filing procedures, resources, etc. The were prepared by the Lesbian/Gay Advisory staff of the HRC and widely distributed. That staff also distributes a San Francisco AIDS Legal Services Referral List, giving descriptions of the services of ten local organizations, and pertinent information on their powers, contact people, etc.

In addition, Ms. Winnow said she had provided information about a recent Supreme Court decision upholding a sodomy law in Georgia.

- Sexist, Racist Advertising and Program Content

Commissioner Wade expressed great personal concern about the resurgence, as she sees it, on both commercial and public television, and on commercial billboards and advertising media, and in programming in content and in visualization of material that does not reflect the diversity of society, racially, in sexual preference, economically, and so on. She said the models she has seen tend to be stereotypically Wasp, and heterosexual. She said that this kind of material has "an insidious effect" on children, who acquire feelings of inferiority if they "don't look like that", or their lifestyle is different from those portrayed. She objected to what she called "once a year" presentations on activities and history of ethnic minorities.

Commissioners Moulton and Revelo concurred in Commissioner Wade's concerns, and, on motion of Commissioner Yamakawa, the issue was
*****referred to the Administrative Committee.

Commissioner Wade noted that recipients of the HRC Human Rights Awards in October of 1985 from the HRC might be asked to serve in this inquiry into the balanced content of advertising and programming. Five persons (Belva Davis, Al Repato, Helen Marie Bautista, Sandra Ouye Mori, Art Tapia, and Walter L. Johnson) received plaques of merit for outstanding contributions to human rights in the City at a breakfast at the San Franciscan Hotel.

- Acting Director Anderson announced that the Gene Block Journalism Awards are to be presented in August to journalists from the Bay Area who have made contributions in human and civil rights. This is a joint activity of the Friends of the HRC and the Council for Civic Unity.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, August 14, 1986 in Room 1200 of the State Building, 350 McAllister, Civic Center. The HRC traditionally meets only once each in the months of July and August.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, August 6, 1986 5:00 PM HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, August 7, 1986 9:30 AM 1850 Mission Street
LESBIAN/GAY COMMUNITY ADVISORY	Tuesday, July 15, 1986 5:30 PM Room 1200 State Building 350 McAllister
HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES AND POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Meetings scheduled for July 10 and 17 cancelled.

NO REMARKS FROM THE AUDIENCE
Adjournment

Respectfully submitted,

Grant S. Mickins (Frank Anderson, Acting Director)
Via Jack Casford

JC:np

Attachment # 1

City and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION OF THE HUMAN RIGHTS COMMISSION
OF SAN FRANCISCO
TO RECEIVE AND ACCEPT FUNDING FROM THE MAYOR'S OFFICE
OF COMMUNITY DEVELOPMENT

WHEREAS, the Human Rights Commission, since 1979, has monitored all construction contracts funded by the Community Development Block Grant (CDBG), and has implemented the Fair Housing Program under Chapter 12A of the Administrative Code; and

WHEREAS, the HRC has been continuously funded since 1980 by the Mayor's OFFICE of Community Development for contract compliance monitoring, and since 1979 for its Fair Housing Program; and

WHEREAS, the HRC's contract compliance monitoring function has been a significant factor in expanding contracting opportunity for minority and women-owned businesses in this community in the cumulative amount of over $30 million in construction contracts and subcontracts and in employment of hundreds of minorities and women in the trades; and

WHEREAS, the Fair Housing Program staff has provided counseling, assistance, and vital housing information to hundreds of individuals and families; and

WHEREAS, the HRC has submitted formal funding proposals to the Mayor's Office of Community Development for Fiscal 1987 (January-December) in the amount of $75,467 for the contract component, and $73,608 for the Fair Housing Program;

NOW, THEREFORE, BE IT RESOLVED THAT THE HRC, upon approval for these funding proposals by MOCD, receive and accept the cited funds, so that its vital contract compliance and fair housing services may continue into Fiscal 1987.

Resolution 2-86
Adopted by the HRC 7/10/86

JC:np

15) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

Attachment # 2

City and County of San Francisco

Human Rights Commission
Office of Minority/Women Business Enterprise
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION OPPOSING MANDATORY HTLV III TESTING

WHEREAS, the Acquired Immune Deficiency Syndrome (AIDS) epidemic continues to grow in the City and County of San Francisco; and

WHEREAS, AIDS has caused great emotional stress among affected communities, and has served to heighten fears and prejudices in some members of the general community; and

WHEREAS, the HTLV III antibody test does not indicate the presence of the AIDS virus, or the likelihood of an individual developing AIDS; and

WHEREAS, despite current confidentiality requirements, HTLV III results have been misused, resulting in terminations from employment, denial of insurance, and other discriminatory actions; and

WHEREAS, absent the development of an effective AIDS vaccine or treatment, control of the AIDS epidemic rests on voluntary behavior changes, assisted by counseling and education. Mandatory, non-consensual, HTLV III testing could result in high-risk individuals avoiding treatment and counseling for fear of misuse of test results;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission express its opposition to all forms of mandatory, non-consensual, HTLV III testing.

########

Resolution 3-86

Adopted by HRC 7/10/86

JC:np

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 9410

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8/14/86

HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, August 14, 1986
Room 1200, State Building
350 McAllister Street

NEXT MEETING

DATE: Thursday, September 11, 1986
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Street
Civic Center

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ROLL CALL

Commissioners

Present: Esta Soler (presiding), Allen Bennett, Samuel Chung, Joe Jung, Phyllis Lyon, John C. Morrissey, Joan Zamora Moulton, George Suncin, David Yamakawa Jr.

Commissioner Rabbi Allen Bennett was attending his first regular HRC meeting since his appointment to succeed Commissioner Rabbi Martin S. Weiner, who resigned.

Excused: Corrine Lee, Larry Martin, John Moylan, Nicerita Revelo, Sal Rosselli, Brenda Wade.

Staff

Present: Grant Mickins, Frank Anderson, Jack Casford, Linda Chin, Don Hesse, Ed Ilumin, Clemente Newball-Obregón, Norm Nickens, Gail Roberts,

Richey Rice-Gore, representing the Employment Committee

Ralph Hurtado, HRC Liaison with the Mayor's Office

Guests: Rita Semel, Chair, Intergroup Clearinghouse, Inc.
Michael Goldstein, Consultant to Intergroup Clearinghouse, Inc .

- No Pledge of Allegiance because no Flag is provided in the meeting room.

- Minutes of the regular meeting of July 10, 1986 were approved.

COMMUNICATIONS

- From Janet E. Simas, President and Owner, Spirit Road Oils Spreading and Transportation Company, contesting HRC denial of her application for certification under the MBE/WBE/LBE Program.

- From Carletta Jackson, Commissioner, Chair, Equal Employment Opportunity/ Affirmative Action Committee, Commission on the Status of Women, announcing the COSW sponsorship of a public hearing on the Greater Avenues for Independence (GAIN) Workfare plan for San Francisco on August 11 and 12, 1986 from 5:30 to 9:30 PM in the State Building Auditorium, 350 McAllister. GAIN is a statewide mandated program to promote employment opportunities for welfare recipients.

- From John L. Taylor, Clerk of the Board of Supervisors (also addressed to Louis Turpen, Director of Airports) on the initiative of Supervisor Nancy G. Walker, inquiring regarding concerns expressed by Asian, Inc. that the Airports Commission is attempting to combine MBE/WBE requirements into one single category to award the Airport's principal concession lease in the North Terminal Building.

- From Mara E. Rosales, Deputy City Attorney, responding to seven questions from Director Mickins via a July 16, 1986 letter, concerning the MBE/WBE LBE Ordinance (Chapter 12D of the City Administrative Code) and its applicability to the principal concession lease in the North Terminal at San Francisco International Airport.

- From Benjamin G. Flores, Deputy City Attorney, a copy of the Order of Judge Lucy Kelly McCabe, Presiding, Superior Court of the State of California, denying a petition for Alternative Writ of Mandate filed by P & K Trucking, Kenneth Kinnard, Bernett Porter, and Dwight Kinnard versus the HRC. Mr. Flores represented the HRC at the hearing July 23, 1986 before Judge McCabe. See Director's Report.

- From Mayor Dianne Feinstein, a copy of a Memorandum to her from Burk E. Delventhal and Thomas J. Owen, Deputy City Attorneys, giving an analysis of the effect of Proposition 61 (on the November 1986 ballot) on accrued vacation/sick pay for City employees. This Proposition is known as the Gann Fair Pay Amendment, and would add a new section to the California Constitution, to provide that "No elected or appointed official, or any employee subject to the provisions of this section shall be permitted to accumulate sick leave or vacation time from one calendar year to another." The memo stated, in part, that "Proposition 61 may not constitutionally be applied to deprive public employees of benefits owed to them," and, "Sick leave, like vacation time, is earned in exchange for services rendered. Once earned, it becomes a vested right. Like vacation benefits, it is the property of the employee and cannot be taken away from him or her by Proposition 61."

- From Mayor Feinstein, annoucement of the annual San Francisco Planning and Urban Research Association (SPUR)/Mayor's Fiscal Advisory Committee (MFAC) awards for management excellence in San Francisco government to be presented Octber 22. City departments make nominations for the award.

- From Moira Shek So, Executive Director, Mayor's Office of Community Development, a Memorandum sent to all 1986 CDBG (Community Development Block Grant) agencies, announcing that $3,005,000 of the funds "deferred" early this year will be returned to the City. City departments were invited to a community meetingg August 8 at 10 AM in the Public Health Auditorium, at 101 Grove Street, to hear presentation of a plan and options for the distribution of the deferral funds returned.

- From L.A. Turpen, Director of Airports, San Francisco International Airport a copy of his letter to Harold T. Yee, President, Asian, Inc., responding for Commissioner Morris Bernstein (Airports Commission President), to his July 11 letter regarding an upcoming concession lease. Mr. Yee had also sent a copy of his letter to Commissioner Bernstein to the HRC.

- From Harold T. Yee, President, Asian, Inc., requesting information for 1985 and year-to-date in 1986 listings of contracts awarded broken down by City department, type of contracts, dollar amount of the award and ethnicity of the winning bidder, and other information, as part of his organization's review of the effectiveness of the MBE/WBE legislation.

- From Chairperson Esta Soler, confirming that Commissioner John C. Morrissey has agreed to serve as Co-Chair of the Human Rights Commission's Youth and Education Committee.

- From Virgie M. King, Co-Chair, National Conference Planning Committee, thanking Director Grant S. Mickins for his participation in the 38th International Association of Official Human Rights Agencies conference held in Anchorage, Alaska, July 6-10, 1986. See Director's Report.

- From Moira Shek So, Executive Director, Mayor's Office of Community Development asking for additional information to complete the HRC's Request for Funding (RFF) Application for 1987 Community Development Block Grant Funds. The Mayor, she announced, will publish the 1987 Community Development Program Preliminary Proposal in early September of this year.

- From Samuel W. Walker, President, A Philip Randloph Institute, announcing that HRC Commissioner Lawrence B. Martin, International Representative of the Transport Workers Union of America, AFL-CIO, will be honored as "one of the most distinguished Blacks in the Labor movement" by the San Francisco Chapter of the Institute, at a dinner Saturday, September 13, 1986, at the Palace Hotel, Market and New Montgomery, with no-host cocktails at 6:30 PM and dinner at 8 PM. Tickets ($35 a person , $350 for a table of ten) are available through the Institute office, 660 Howard Street, Third Floor, San Francisco,CA. 94105, telephone 543-9741.

- From Anne-Marie Theilen, Director NAP, The Arts Commission of San Francisco, inviting the HRC to participate in a new board election process for the Western Additional Cultural Center, 762 Fulton Street.

- From Luisa Menchaca, Senior Consultant, Senate Office of Research, California Legislature, asking HRC input on the extent of "source of income" discrimination in California in support of Senate Bill 772, proposed by State Senator Nicholas C. Petris, to add this type of discrimination to the grounds for filing a complaint under the Fair Employment and Housing Act.

- From Rodel E. Rodis, Coordinator, Committee to Celebrate Ninoy Aquino Day, inviting the HRC to join in commemorative events on August 21, 1986, including a Commemorative Mass at St. Patrick's Church on Mission Street at 6 PM, a candlelight procession to Union Square, and a memorial celebration with speakers at Union Square.

- From Michael E. London, of McInerney & Dillion, a law firm, requesting a hearing regarding the HRC Director's Determination (re: certification) of the Bay Cities Paving and Grading, Inc.

- From M.H. Geistlinger, Director of Purchasing and Services, Purchasing Department, conveying regrets he could not attend the HRC regular meeting of this date at which the second anniversary of the implementation of Chapter 12D, the Minority/Women/Local Business Enterprise Legislation, would be marked. Mr. Geistlinger said that the City can be proud of the cooperative efforts by the HRC and Purchasing Department which "...have made the program a success."

- From Michael A. Matthews, a private citizen, a copy of his letter to Morris Bernstein, President, Airports Commission, asking that it investigate the incident wherein Mark Sigers of San Francisco was denied transport by Delta Airlines at Atlanta International Airport.

- From David E. Brown, Summer Intern, National Employment Law Institute, Larkspur, CA., regarding a national conference on equal employment opportunity development in federal, state, and local government, to be held September 29-30, 1986 at Quality Inn, Pentagon City, Arlington, Virginia.

- From Jack Smith, for Amnesty International USA, announcing the summer and fall activities by Bay Area chapters of Amnesty International regarding human rights in South Africa, with the objective of educating the community about continuing human rights abuses in South Africa, and generating appeal letters to the South African government.

- From Mayor Feinstein, a copy of an inter-departmental Memorandum announcing co-sponsorship by the Civil Service and Human Rights Commissions of a conference on Issues in Equal Employment at the Hyatt Hotel on Union Square, on October 7, 1986. The Conference the Mayor stated, is for supervisors and managers of the City and County "to update themselves and improve their skills in administrating EEO responsibilities."

- To Tom Eastham, Press Secretary to Mayor Dianne Feinstein, from Director Hickins, informing on the percentage increase in participation by MBEs abd WBEs in Fiscal Year 1984-85. See MBE/WBE Advisory Committee report below in these Minutes.

NO CHAIRPERSON'S REPORT

- Chairperson Soler had returned from vacation during much of July.

DIRECTOR'S REPORT

- International Association of Official Human Rights Agencies Annual Conference.

Director Mickins attended this event in Anchorage, Alaska, July 6-10. He said the conference was well-attended, and included presentations from the heads of most federal agencies involved in implementing affirmative action and contract compliance. He said the general position of these representatives was that their mandate is being carried out (enforcement of civil rights statutes, for example) apart from the Executive Branch stated policies and actions. Mr. Mickins said he was able to attend many interesting workshops, and that he had for the first time been able to convince the conference to have a workshop on sexual orientation discrimination. He also said that there were many reports of increased community incidents of racial, religious, and ethnic harassment.

- To Commissioner Moulton's question regarding the Washington officials' position on the status of the U.S. Commission on Civil Rights and recent policy statements and actions of that body, Mr. Mickins said that the National Leadership Conference in Washington had supported the de-funding of the agency. It was reported August 12 that a Senate appropriations subcommittee voted to curtail the activities of the Commission by barring it from hiring consultants and limiting the pay for its part-time commissioners and for its Chairman, Clarence Pendleton. Mr. Mickins said that feelings at the conference were that defunding of the Commission would mean it could never be resurrected, and they adopted a resolution condemning the Commission's "turnabout", but they avoided calling for its dismantlement. Commissioner Lyon commented that it was her understanding that The Congress would, if the Commission on Civil Rights were dissolved, set up a similar body under its jurisdiction rather than under the Executive Branch.

- Mr. Mickins announced that the next IAOHRC conference will be held in New York City.

- P & K Trucking Issue.

Final resolution of a long-standing issue dating back several years, to 1982, involving a dirt-hauling contractor and a major dispute over the rates a minority business trucker wished to charge a prime contractor on the Southwest Ocean Outfall project, was achieved with issuance of an Order Denying Petition for Alternative Writ of Mandate by California Superior Court Justice Lucy Kelly McCabe on July 23, 1986.

As background: the HRC filed a complaint on November 24, 1982 against Arvie & Son Associates and Morrison-Knudsen for noncompliance with the City's Affirmative Action program. A Director's Finding of August 7, 1984 concluded that P & K Trucking was "substantially responsible for its failure to get more trucking work because they made excessive demands on M-K/Arvie Associates..", and, further, did not cooperate with the HRC in the investigation and resolution of the complaint. P & K filed against the HRC on October 23, 1984. Until the July 23, 1986 ruling in Superior Court, there had been considerable dispute activity against the HRC staff by P & K Trucking Operators.

- Thanks to Frank Anderson were tendered by Mr. Mickins for serving as Acting Director of the HRC during his absence.

- Mr. Mickins said he had written formal thanks to Benjamin Flores of the

City Attorney's staff, and to Ms. Mara Rosales, who had done early work that was completed by Mr. Flores when the matter went before the Superior Court.

STANDING COMMITTEES

ADMINISTRATIVE

George Suncin, Chairperson

- Intergroup Clearinghouse, Fiscal Year 1985-86 Program Report-Rita R. Semel, Chair.

Commissioners were provided with copies of the formal report of the Intergroup Clearinghouse as its part of the HRC Management-by-Objectives report to the Mayor. The Clearinghouse was established in 1979-80 with the charge of alleviating intergroup tensions and misunderstandings. It has offices at 1095 Market Street, Room 519.

Ms. Semel introduced Michael Goldstein, Consultant to the Clearinghouse, She reported that the Clearinghouse, which has a Steering Committee of some forty public and private sector representatives (community agencies, City government, advocacy, youth, religious, ethnic, and other organizations) is "alive and well." It sponsored a reception in July in the Office of the Mayor honoring Frank Jordan on his promotion to Chief of Police. She said that the diversity of representation present at the reception was a kind of statement that the City officially is cognizant of its diversity of background, opinion, and lifestyle, and its commitment to deal with this diversity in a positive fashion.

The budget provisions for the Clearinghouse are very modest, Ms. Semel, said ($15,000is allotted under the budget of the HRC). Half of the current fiscal year's budget was on the stipulation that the Clearinghouse show the Mayor that is making a "good-faith effort" in augmenting the budget. As a consequence, Clearinghouse application has been made to a number of private foundations for financial support, with, Ms. Semel said, "reasonbly good expectations" of that support.

In addition to being "reactive" (to community tension situations) Ms. Semel said, the Clearinghouse has proposed two activities:

1. AIDS educational aspects in the community in the effort to fully inform the public, allay unwarranted fears, and correct misinformation.

2. Work with the San Francisco Police Department to include training for Police Academy participants on the diversity of the San Francisco community. This work is currently "on hold" while the curriculum at the Academy undergoes reorganization.

In addition, the Clearinghouse, in its reactive role, has offered help to individuals and groups working in the Richmond District of the City, where the press recently reported increasing tensions between Asian and white residents. Contact has already been made with the Richmond District groups by the Vice-Chair of the Clearinghouse.

Ms. Semel responded to questions from members of the HRC following her her presentation. She praised the close relationship of the Intergroup Clearinghouse and the HRC.

To Commissioner Morrissey's questions, she said that there has been an increase in incidents of racial, religious, and ethnic harassment in the City, but that such slurs, though perhaps considered more "fashionable" today, are countered by the work of such groups as the HRC, the Conference on Race, Religion, and Social Concerns (Ms. Semel has long been associated with the Conference) the Clearinghouse, and others.

She said that they are well aware of the work of Community Boards, which, through Georgia Quiñones-Bowen, is represented on the board of Steering Committee of the Clearinghouse.

Ms. Semel was thanked for her presentation by the Chair.

- Guidelines for Committees.

This document will be distributed to the members of the HRC for discussion at the September 11 regular meeting.

- Commissioner Moulton at this point asked the Chairperson for a response to her resignation as Co-Chairperson of the Social Issues and Police Liaison Committee and request for reassignment to another Standing Committee.

Chairperson Soler spoke with Commissioner Moulton following this meeting.

- Committee Report: Observance of the Second Anniversary of the Implementation of the MBE/WBE/LBE Ordinance.-Commissioner Yamakawa

Implementation of Chapter 12D of the City Administrative Code began in August of 1984, although it was adopted by the Board of Supervisors and enabling legislation signed by the Mayor in April of that year.

Commissioners were provided a letter, sent May 30, 1986 to the Clerk of the Board of Supervisors, providing information as to the number of the contracts awarded to minority and women-owned business enterprises during Fiscal Year 1984-1985. From the text of that letter, here is that information:

Of the 16,712 eligible contracts awarded for FY 84-85, 1,787 were awarded to MBEs and 639 to WBEs. The total eligible contracting was $144,323,404.94. Of that, $20,005,652.25 or 13.86 percent went to MBEs as prime contractors and $5,169,989.02 or 3.59 percent to WBEs. The number of contracts by ethnicity was not reported by enough departments to provide an indication of that distribution; however, the contract dollars were specified. The ethnicity of contract dollars to MBEs/WBEs was reported in 81.59 percent of the MBEs and 70.50 percent of the WBEs. The dollars awarded by ethnicity was as follows:

Asian (including Filipino)	$ 9,577,809.47
Black	$ 4,566,715.73
Hispanic	$ 2,889,642.05
Other (American Indian/Alaskan Native)	$ 18,500.00

The total minority and women participation by percentage and dollars amount was reported in Table III which accompanied the Annual FY 84-85 Report of the Minority/Women/Local Business Utlization Ordinance. A copy of this table is attached..

The contracting data reported to the HRC is by department and is not broken down as to type of minority professional service such as architect, accountants, lawyers, financiers, board experts, medical professionals, and others. The Purchasing Department is is the process of computerizing their MBE/WBE data and their contracting on their own behalf and on behalf of other departments will be able to be subdivided by commodity code. When the HRC has its own in-house capability, data by type of contract should be available.

An attached table showed for FY 84-85 also the total minority and women participation by percentage and dollar amount:

TABLE III TOTAL MINORITY AND WOMEN PARTICIPATION BY PERCENTAGE AND DOLLAR AMOUNT
FY 84-85

Ethnic Group	Percentage of Ethnicity Reported MBE/WBE		Dollar Amount		1977 Census Data S.F. Minority/Women Owned Firms	
	MBE	WBE	MBE	WBE	Percentage	Nbr. of Firms
Amer. Ind. Alakn. Nat.	.07	.17	12,000.00	6,500.00	(1)	(1)
Asian/ Pac. Is.	54.06	14.10	9,030,217.00	539,720.00	21.64	4,972
Black	26.77	8.99	4,471,577.21	343,858.52	6.75	1,547
Filipino	.04	.03	6,876.80	994.80	(1)	(1)
Hispanic	19.06	3.94	3,184,563.82	150,879.00	4.30	997
White	-	72.77		2,784,996.00	25.27 (2)	5,784 (2)
Total Ethnicity Reported	80.69	67.72	16,705,214.55	3,826,949.48	-	-
Total MBE/ WBE Primes	100.00	100.00	20,702,353.23	5,651,391.03	32.68 (3)	7,516 (3)
Total of Businesses	-	-	-	-	100.00	22.752
Total Eligible Dollars				151,487,810.00		

(1) Reported under Asian et al.
(2) Includes all Women Business Enterprises and probably includes Minority/Women Business, resulting in double counting.

(3) Only MBEs

Director Mickins further reported to the Mayor's Press Secretary, Tom Eastham, that the actual percentage increases (over the period before implementation of Chapter 12D began) were: 506% for MBEs, and 2,194% for WBEs. The table showed:

COMPARISON WITH PRIOR YEARS

	1981 Dollar		1982 Dollars	%	Combined	%	1984-85	%
Total	$513,053,086.00		$ 353,502,445.00		$869,555,541.00		$144,323,404.95	
MBE	15,318,342.00	2.97	8,202,085.00	2.32	23,520,427.00	2.70	20,005,652.23	13.86
WBE	549,209.00	.11	907,589.00	.26	1,456,798.00	.17	5,169,909.03	3.58

Commissioner Yamakawa said that although there are still obstacles to the implementation of the MBE/WBE/LBE Ordinance, these firues show a 'tremendous achievement".

Frank Anderson, staff to the Advisory Committee, next announced publication of the third edition of the HRC's Directory of Minority and Women-owned Businesses. This volume is being distributed to all City contracting departments. It is designed for use by departmental buyers, contract administrators, materiel managers, storekeepers, office managers, etc. in locating information on minority and women-owned firms providing goods and services. All the firms listed (minority, women, or local) have been certified by the HRC according to its stringent standards, and all are eligible for bid preferences under Chapter 12D. The HRC makes no endorsement or recommendations of any of them. Updates and supplements to the Directory are supplied by the HRC on an "as needed basis."

The HRC's Certification Unit is at 558-4908.

The Directory is not being distributed to the general public, but reference copies are available for public use at the following locations:

- Purchasing Department/HRC Certification Unit-Room 270, City Hall
- Main Library, Civic Center, Larkin & McAllister Streets
- Human Rights Commission offices 1095 Market Street, Suite 501.

The Directory provides names and descriptions of 1,268 firms, up from the 573 firms listed in the 1984 Directory.

The MBE/WBE Advisory Committee will be reviewing a detailed report on the ethnic makeup of the firms listed in the Directory, and that report will be brought to the HRC at its September 11, meeting.

Mr. Anderson paid special tribute to three HRC staff members:

- Linell Harden, HRC Contract Compliance Officer, who has been an integral factor in the implementation of the certification process, based at the Purchasing Department in City Hall.

Pauline Anderson, Supervisor of the Clerical Staff of the HRC, who did all the work of word-processing and computer entry of the Directory data, and

Willie Campers, an HRC Reproduction Clerk, who has been liaison with the City Hall Reproduction Bureau in getting the Directory printed.

- It was suggested that the HRC write formal letters of appreciation to the above three, and, at the end of this meeting, Chairperson Soler suggested, to unaninous agreement, that Mr. Anderson be formally thanked for his work on the Directory project.

Commissioner Morrissey was informed, to his question, that the HRC does collect directories and listings of minority and women-owned businesses from both private and public sources. Mr. Anderson reiterated that the HRC has more stringent standards for inclusion of such businesses, whereas private directories tend to list firms who self-identify. He noted also that the Directory has not been considered for sales purposes, and noted earlier mention of where the general public may consult it.

Commissioner Yamakawa's reference to "obstacles" to implementation of Chapter 12D was amplified, at Commissioner Morrissey's request, to pinpoint problems with bona-fide status as minority or women-owned, to problems already detailed in the report, "Between a Rock and a Hard Place" a study conducted by Aileen C. Hernandez Associates in September of 1985, and critics of the HRC's role in implementation.

Mr. Anderson said that further problems stem from what he called the "peaking" of interest from minority and women-owned businesses. He said the Committee hopes to discuss these problems in detail with the full HRC at a later date.

HOUSING AND URBAN DEVELOPMENT
Samuel Chung/Joe Jung, Co-Chairpersons

- Proposed Resolution in Support of Pineview Housing Project-

Commissioner Chung introduced Donald Hesse, staff to the Committee.

Mr. Hesse reviewed the background of the Pineview Housing Project. A site for the erection of low-income housing for the elderly in the Chinatown community (called Orangeland, on Stockton Street, which called for demolition of existing buildings and a mixed commercial-housing project) had failed to obtain widespread community support and the project failed in 1985 to win official approval.

The sponsor, Self-Help for the Elderly, a multi-service organization, established a nonprofit Pineview Housing Corporation, which, after surveying eight sites in the immediate Chinatown area, chose a site over the air-rights of the Broadway Tunnel at Mason Street at the entry from the east. The U.S. Housing and Urban Development Department has granted a six-month extension to its original (funding of $3.6 million) 18-month development schedule which expired in March of 1986. The project is to be a 70-unit development ranging from four to six stories in height, offering studios and one-bedroom units. Any low-income person over 62 years of age or handicapped is eligible to apply for units.

Mr. Hesse said that the former Chinatown community opposition to the Stockton Street site has been replaced by wide community support. He said that the HUD Committee of the HRC had not taken a position a year ago when requested to because of that controversy.

He said that the only opposition he knew of was from Russian Hill Neighbors, a neighborhood organization.

Jack Casford, HRC staff member, and a member of the Board of Directors of Russian Hill Neighbors, reported that RHN has given qualified support to the Broadway site project, on condition that concerns about height-limit variances and lack of parking allowance be considered by the Pineview Housing Corporation.

Mr. Hesse said it was felt by the Committee that there is, with evidenced widespread community support now obtained, a good chance that the City will approve the project.

Ms. Yvonne Lee, of the Self-Help for the Elderly and the Pineview Housing Corporation, noted that height and parking concerns have been addressed, and that only 200 unit of low-income housing in the Chinatown community have been built in the past ten years. Ms. Lee said that technical and engineering consultants are advising considerations of noise, safety, and air-quality for the on-going preparation of the Environmental Impact Report.

After further discussion over the air-rights aspect of this site, it was

******m/s/c that the HRC adopt the Resolution in Support of Pineview Housing Project. A full copy of that Resolution is attached to these Minutes.

- Update on International Hotel-Ed Ilumin

Mr. Ilumin distributed copies of a chronology of events in the history of the International Hotel, originally a red-brick, four-story, turn-of-the-century building that for many years was the residence of primarily Filipino low-income men. The site (east side of Kearny, between Jackson and Pacific) of the hotel (which was demolished in 1979 after more than six years of public controversy) has been a hole in the ground since that time.

Mr. Ilumin reminded the HRC that it was its HRC Housing Representative Edith Witt, who had been instrumental in community activity on behalf of retaining the International Hotel as a low-income housing facility. From the issuance of a demolition permit in 1970 (a permit obtained using the side street address of the property, rather than the main entrance address) the HRC, Ms. Witt, and many community groups had struggled to give representation to the beleagured tenants of the building in the face of developer determination to demolish. The HRC took formal action in July 1976 by requesting that the Housing Authority preserve the hotel for low-income housing, and the Authority did actually designate the site for low-income housing. Four Seas Corporation, the developer, then began a number of legal strategies to block official City attempts to obtain the building. The tenants were physically evicted after a court order in 1977, and the hotel was demolished in 1979.

Mixed-use development plans for housing, parking, hotel, office, retail, and other uses changed over the years, as a Mayoral Citizen's Advisory Committee worked to cooperate with Four Seas plans. Nothing yet has taken place; the site remains a hole in the ground. Four Seas has pulled out of the project entirely, Mr. Ilumin reported. But the Mayor, he said, is still pursuing alternative plans for the site, via the Citizens' Advisory Committee.

- "A Guide to Your Rights" For Tenants and Landlords. - Ed Ilumin.

More than 90,000 copies of the booklet, prepared by the HRC staff, and first published in 1982, will soon have been distributed, free of charge. There are handbooks in English, Chinese, Spanish, and Tagalog. The English version, the most in demand, is now its third re-printing, a run of 15,000 thanks to a grant from Pacific Bell. Efforts are underway to obtain a reprinting of the Chinese version, also greatly in demand.

LESBIAN/GAY ADVISORY
Phyllis Lyon/Sal Rosselli, Co-Chairpersons

- Informational Report Regarding LaRouche Initiative (Proposition 64)- Norm Nickens, HRC-AIDS Discrimination Representative.

Commissioners were provided with a packet of printed materials on the subject of the AIDS Quarantine Initiative---Proposition 64---which has qualified forthe State November ballot after some 600,000 signatures were obtained by followers of Lyndon LaRouche. The materials came from: San Francisco Community AIDS Network (CAN)-Stop LaRouche; the American Civil Liberties Union of Southern California, Orange County Chapter; the Mayor's Office, in the form of a June 25, 1986 Press Release announcing Mayor Dianne Feinstein's strong opposition to the LaRouche initiative on AIDS; articles from the National Democratic Policy Committee (the Lyndon H. LaRouche, Jr. organization conducting the initiative campaign) and a May 22, 1986 Press Release from Prevent Aids Now Initiative Committee (PANIC) based in Los Angeles.

Reading from the summary of the initiative prepared by the Attorney General of California, Mr. Nickens stated that it declares AIDS as an infectious, contagious and communicable disease, that the condition of being a carrier of the HTLV-III virus is an infectious condition, that carriers (those who have AIDS or have been exposed to it) can be subject to quarantine and isolation regulations, etc. It provides that that all State health officers shall carry out these regulations.

Mr. Nickens said the proposed initiative as worded could, as a minimum, prevent persons with AIDS, persons exposed to AIDS, or "persons suspected of having AIDS" from working as food handlers, school employees, or teachers. Though proponents of Proposition 64, he said, claim that it would have no fiscal effect in the State, revised estimates by the State Attorney General and the State Budget Analyst are that it would could cost some $ 7 billion to enforce, while the Economics Department of the University of California at Berkeley has estimated as much as $19 billion to enforce in the first year.

Mr. Nickens read excerpts from a Memorial Bill to Stop AIDS as proposed by the National Democratic Policy Committee (the LaRouche organization) such as:

- "Those who are AIDS carriers, therefore, cannot be permitted to work as food handlers, in service occupations (barbers, eye doctors) and as elementary and secondary school teachers."

- "A series of AIDS research institutes will be set up throughout the country, where patients can be brought and treated in isolation."

- "As this and other diseases break out of control and reach into the streets and homes of America's cities, one can blame the high-interest-rate programs of Federal Reserve Chairman Paul Volcker and the International Monetary Fund for perpetrating austerity programs on a global scale, which have destroyed not only the economic infrastructureof this country, but of the entire world."

He then read from the same group's article entitled "The AIDS Lobby Who (sic) Stands in the Way of Stopping the Epidemic.":

"Mayor Dianne Feinstein of San Francisco, responding to her politically powerful homosexual constituency has taken no measures whatsoever to deal with what may be the worst AIDS situation in the country, and is instead supplying funds to counter-culture kook groups throughout the Bay Area. The result has been to turn control of the AIDS pandemic over the 'right to die' lobby. With city funding, Shanti, a death-worshipping cult...in now handling well over 80% of AIDS victims."

Mr. Nickens reported the existence of the San Francisco Community AIDS Network, part of the Stop LaRouche Campaign statewide.

Mr. Nickens reported the existence of chiefly two statewide opposition to Proposition 64 campaigns: the Stop LaRouche Campaign, and local community aid networks in San Francisco, Los Angeles, Orange County, San Diego, Sacramento, etc. He said that the San Francisco Board of Supervisors, the Mayor, Senator Alan Cranston, Senatorial candidate Ed Zschau, and Mayor Tom Bradley of LA have delcared their opposition to Proposition 64. California Governor George Deukmejian has taken no position, and is reported studying the issue.

Mr. Nickens suggested that the HRC prepare a report on the projected impact of the LaRouche Initiative-Proposition 64 on the civil rights of persons in San Francisco and forward it to the Mayor's Office.

It was then

*******m/s/c that Mr. Nickens be empowered to draft a letter to the Mayor and Board of Supervisors, thanking them for their strong opposition to Proposition 64, stating that the HRC agrees with it, and that Mr. Nickens also include his analysis of the LaRouche initiative. The vote was unanimous.

Commissioner Moulton asked that this material be worded in the strongest possible language, pointing out the sinister historical precedent of facism in such measures as the LaRouche initiative.

- Lesbian/Gay Liaison Media and Community Outreach in Response to Governor Deukmejian's Veto of a Statewide AIDS Nondiscrimination Law.

Eileen Gillis, HRC Lesbian/Gay Representative, had prepared for the HRC at the request of Chairperson Soler a packet of newspaper articles, newsletters, letters to the editor, legislative press releases, etc., plus a verbatim copy of the gubernatorial veto of Assembly Bill 3667, the AIDS nondiscrimination bill proposed by Assemblyman Agnos.

Mr. Nickens noted that the Governor had stated in his veto message that "...only twenty complaints alleging discrimination (on the basis of AIDS) have been received by the Department of Fair Employment and Housing." Mr. Nickens said that the HRC unit he heads receives approximately has been averaging twenty complaints a month.

He noted also that within two days of the veto, an AIDS sufferer had been removed from a Delta Airlines flight in Atlanta, and that shortly after that an administrative judge of the State Department of Fair Employment and Housing ruled that the department does not have jurisdiction over AIDS employment discrimination cases, despite the veto message statement that it does.

On Mr. Nickens' recommendation, it was

*******directed by Chairperson Soler that Mr. Nickens write on behalf of the HRC stating the difficulties that it has experienced since the July 27,1986 veto message in the sense that it encourages employers to discriminate against persons with AIDS.

SOCIAL ISSUES AND POLICE LIAISON

John C. Morrissey, Acting Chairperson
(Commissioner Moulton has resigned from the Committee,
Commissioner Morrissey has been named Co-Chairperson
of the Youth and Education Committee)

Proposed Resolution Calling on the Board of Supervisors to Officially Oppose Proposition 63, the "English As The Official Language of California" Initiative.

The Committee heard presentations from Stanley Diamond, Chairman California English Campaign, and Edward M. Chen, Staff Counsel of the American Civil Liberties, one of a coalition including the Mexican American Legal Defense Fund, the Japanese American Citizens League, Chinese for Affirmative Action, the Asian Law Caucus, and the Latino Democratic Club, opposing the proposition.

At the August 6 Committee meeting, Mr. Diamond, for the proponents of the Initiative Constitutional Amendment, on the State November ballot as Proposition 63, indicated, according to Commissioner Morrissey, that the initiative simply makes English the official language of California. The opposing coalition spokesperson stated fears that persons might be denied public health assistance, emergency care, etc. Mr. Diamond, said the Commissioner, brought up the arguments against the current bilingual ballot in California particularly, but said that the initiative was not directed against bilingual education.

On these and other points, the debate continued, said Mr. Morrissey, and the Committee finally agreed, unanimously, to recommend that the *****HRC adopt a Resolution Calling on the Board of Supervisors to Officially Oppose Proposition 63, the "English as The Official Language of California" Initiative.

Jack Casford, staff to the Committee (who was absent from the August 6 due to illness)briefly reported the chronology of HRC precedent for taking action on bilingual issues. He noted that since 1967, there has been active discussion on measures that would facilitate voting and other citizen rights to persons whose first language is not English. Since 1975, the HRC lent assistance to the bilinqual ballot movement. In December of that year it adopted a Resolution regarding the City's commitment to assist language minority voters in participating fully in all City elections. HRC staff provided translations of public notices for the City Registrar's Office, distributed voter handbooks in Chinese and Spanish, and recruited 100 bilingual judges and inspectors.

In 1981, the HRC provided input to the Multi-Lingual Citizens Task Force.

In 1982, it protested the U.S. Attorney's effort to obtain the names of voters requesting bilingual ballots.

In 1978 and in 1981, it reaffirmed its position regarding bilingual education, the Bilingual Office at the San Francisco Unified School District, and its program.

In 1981, the HRC voted offical support for extension of the Voting Rights Act.

The HRC in 1983 opposed a proposed Resolution (by Supervisor Quentin Kopp) urging that federal law be changed to end City ballots and voter handbooks being printed in any language other than English.

The HRC publishes its landlord-tenant booklet "A Guide to Your Rights" in Tagalog, Chinese, and Spanish, as well as English.

It was then

*******m/s/c that the HRC adopt the Resolution Calling on the Mayor and the Board of Supervisors to Officially Oppose the "English As the Official Language of California" Initiative. The vote was unanimous. A complete text of this Resolution is attached to these Minutes.

NEW MATTERS

- Commissioner Suncin asked that Commissioner Lawrence B. Martin be sent congratulations on his being honored by the A. Philip Randolph Institute (see Communications section of these Minutes) at a dinner beginning at 6:30 PM at the Palace Hotel on September 13, 1986.

CALENDAR METTERS

The next regular meeting of the HRC will be Thursday, September 11, 1986, at 9 AM in Room 1200 of the State Building, 350 McAllister Street, in the Civic Center.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, September 3, 1986 5 PM Room 509 HRC Office 1095 Market Street
EMPLOYMENT	Thursday, September 4, 1986 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, September 16, 1986 5:30 PM Room 1200, State Building 350 McAllister Street
MBE/WBE COMMUNITY ADVISORY	Thursday, August 21, 1986 3:30 PM Third Floor, Commission Room Main Library

STANDING COMMITTEES (cont'd)

HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES/ POLICE LIAISON	To be announced
YOUTH AND EDUCATION	Thursday, September 18, 1986 3:30-5:30 PM Room 1200 State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

Attachments #1, 2.

Attachment #1

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION
Office of Minority/Women Business Enterpr
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION IN SUPPORT OF PINEVIEW HOUSING PROJECT

WHEREAS, seventy units of housing for low-income elderly persons have been allotted by the U.S. Department of Housing and Urban Development to San Francisco's Chinatown community through Self-Help for the Elderly; and

WHEREAS, the first site selected for construction of this housing was unacceptable to many people in the community; and

WHEREAS, the need for subsidized housing in Chinatown remains critical and future opportunities appear bleak; and

WHEREAS, a new site has been selected, on vacant land over the Broadway Tunnel, which will cause no displacement of people and have minimal environmental impact, and which has generated no opposition from the Chinatown community, and

WHEREAS, the Human Rights Commission was one of the original supporters of Self Help for the Elderly's application for this housing subsidy; and

WHEREAS, HUD has granted a six-month extension to Self-Help for the Elderly to receive formal approval of the project from the City;

NOW, THEREFORE, BE IT RESOLVED, that the Human Rights Commission support the efforts of Self Help for the Elderly to construct the Pineview Housing Project above the Broadway Tunnel and urge the City Planning Commission to expedite the environmental review process so that Chinatown senior citizens do not lose this irreplaceable housing opportunity.

Resolution 5-86

Adopted by the HRC 8/14/86

STANDING COMMITTEES (cont'd)

HOUSING AND URBAN DEVELOPMENT	To be announced

SOCIAL ISSUES/

Attachment #2

City and County of San Francisco

Human Rights Commissio
Office of Minority/Women Business Enterpris
Office of Contract Compliance
Office of Dispute Resolution

RESOLUTION CALLING ON THE BOARD OF SUPERVISORS TO OFFICIALLY OPPOSE PROPOSITION 63, THE "ENGLISH AS THE OFFICIAL LANGUAGE OF CALIFORNIA" INITIATIVE

WHEREAS, the "English as the Official Language of California" Initiative has qualified for the November 1986 ballot as Proposition 63, and

WHEREAS, Proposition 63 declares that English shall be the official language of the State, and requires that State officials shall enforce this requirement and take all steps necessary to insure that the role of English is preserved and enhanced; and

WHEREAS, the proponents of Proposition 63 claim that the law will not affect the use of languages other than English in matters of public health, safety and justice, but will prohibit voting materials in languages other than English and encourage people to learn English more quickly; and

WHEREAS, the opponents fear the passage of Proposition 63 will create a state-sponsored system of language "apartheid" and deny the equal protection of the law to residents of California who lack proficiency in English; and

WHEREAS, "English as the Official Language" resolutions will not help anyone learn English, improve human relations, nor lead to a better community, but can , however, create greater intergroup tension, encourage resentment and bigotry, pit neighbor against neighbor and group against group;

NOW, THEREFORE, BE IT RESOLVED that the San Francisco Human Rights Commission call on the Mayor and the Board of Supervisors to take all necessary steps to declare that San Francisco is officially opposed to Proposition 63 and to direct that City resources shall be used to carry out this policy to the extent permitted by law.

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Resolution 6-86

Adopted by the HRC 8/14/86

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9/25/86

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, September 25, 1986
State Building, 350 McAllister
Room 1200 Civic Center
9:00 AM

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NEXT MEETING

DATE: Thursday, October 9, 1986
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Street
Civic Center

ROLL CALL

Commissioners

Present: Esta Soler (presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, John C. Morrissey, Joan Zamora Moulton, Nicerita Revelo, Sal Rosselli, David Yamakawa.

Excused: Allen Bennett, Larry Martin, John Moylan, George Suncin, Brenda Wade.

Staff

Present: Grant Mickins, Frank Adnerson, Jack Casford, Eileen Gillis, Don Hesse, Norm Nickens, Richard Norton, Gail Roberts, Kevin Williams, Jackie Winnow, Gary Wong, Vicky Zimpel.

Richey Rice-Gore, representing the Employment Committee.

Ralph Hurtado, HRC Liaison with the Mayor's Office.

Kevin Thompson, Coro Foundation Intern.

No Pledge of Allegiance because no Flag is provided in the meeting room.

Minutes of the regular meeting of August 14, 1986 were approved.

NOTE: The regular meeting of September 11, 1986 was cancelled.

COMMUNICATIONS

- From Hadley R. Roff, Executive Deputy Mayor, a copy of the City Attorney's ruling on Proposition F, approved by the electroate of the City and County of San Francisco on June 3, 1986. Proposition F "prohibits against officers of the City and County engaging in compensated advocacy on behalf of private interests before City boards, commission or members of the staff thereof." Opinion No. 86-12, dated July 10, 1986, analyzes Proposition F and its applicability in an 18-page, detailed document. Mr. Roff wrote that the proposition "...simply puts into law what has been the Mayor's policy against any Commissioner appearing as a paid advocate before a City agency, and it would appear that it will not adversely affect any Commissioner."

- From Susan S. Metcalf, Chairman, Distribution Committee, and Martin A. Paley, Director, The San Francisco Foundation, a memorandum addressed to grantees, colleagues and associates of The San Francisco Foundation relative to legal settlement of the Buck Trust ($435 million) and transfer(it)to a new and independent Marin County charitable organization.

- From Cristena L. Bach, Special Assistant to the President for Intergovernmental Affairs, The White House, on behalf of the President, thanking the Director for his informing of the HRC's position urging retention of Executive Order 11246, the federal regulation applying affirmative action requirements to all federal contracts. The HRC had sent the President its letter urging retention of Executive Order 11246 on February 13, 1986 (it had written him also December 13. 1986 in the same vein), when efforts by some members of the Administration to repeal it received public attention. Those efforts eventually were withdrawn, and the Order was retained. The White response letter was mailed August 13, 1986.

- From Rose Agnost and Family, a thank-you to the HRC and staff for their condolences to them on the death of George Agnost, City Attorney.

- From Robert C. Henderson, Secretary, National Spiritual Assembly of the Baha'is of the United States, inviting Director Grant Mickins to attend the Baha'i International Peace Conference on August 28-31 in San Francisco.

- From Louis E. Calabro, Lieutenant, San Francisco Police Department, commenting on Commissioner Brenda Wade's remarks at the July 10, 1986 HRC regular meeting regarding the lack of minority representation on television programs.

- From Mary Jane Sylvia, Assistant, Supervisor Louise Renne, a copy of a resolution in opposition to Proposition 63, "English Only" introduced by Supervisor Renne and referred to the Civil Service and General Administration Committee. The Board of Supervisors eventually did adopt a resolution. The HRC's Resolution in opposition to Proposition 63 was adopted August 14, 1986, urging such action by the Board.

- From Supervisor Richard Hongisto, stating his shared concerns regarding Proposition 63 and noting that he has signed as a supporter of a ballot argument opposition Proposition 63, the "English Only" initiative.

- From Rita R. Semel, Chairman, Intergroup Clearinghouse, Inc., reporting that, as the HRC's Administrative Committee requested, the Executive Committee of the Clearinghouse met to discuss the proposal of Community Boards for a formal relationship with the HRC. Ms. Semel wrote that Community Boards currently is a valued member of the Clearinghouse, through its Director, Georgia Quinones, who is a member of the I.C. Membership Committee, and she reiterated the desire of her organization to strengthen the relationship with the HRC.

- From Mayor Dianne Feinstein, complimenting HRC staff, especially Frank Anderson and those who worked with him, for their excellent work in publishing the 1986 Directory of Minority and Women-owned Business Enterprises.

- From Ricardo Rodriquez-Vidal, tendering to Chairperson Esta Soler his resignation from the Employment Committee.

- From Charles J. Cooper, Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice responding to an HRC letter to Attorney General Meese regarding the Justice Department's June 20 legal opinion on the applicability of Section 504 of the Rehabilitation Act of 1973 to AIDS victims or carriers of the AIDS virus. He wrote, in part, that "...our conclusion...in no way implies that discrimination based on such a condition...is medically reasonable, or that the Justice Department approves of discrimination of this character..."

- From Tanette Goldberg, Chairman, Jewish Community Relations Council, enclosing a six-year calendar of dates of major Jewish religious observances, when Jewish employees and citizens may be absent from work and unable to participate in City meetings.

- From Samuel A. Norman, Attorney at Law, a followup letter to his discussion with Director Mickins regarding the manner in which the HRC determines (ethnic) heritage as mandated by the HRC certification process.

- From Angela Gittens, Deputy Director of Airport Business and Finance, directed to Commissioner Yamakawa, Chairperson of the MBE/WBE/LBE Advisory Committee, enclosing Quarter Reports and the Annual Report for Fiscal Year 1986-87, and the MBE/WBE Department Plan for 1986-87 for the Airports Commission.

- From Thomas F. Lee, President, Bay Architects Associates, Inc., a letter of complaint, with attachments, regarding the Public Utilities Commission's (alleged) noncompliance with Chapter 12D of the San Francisco Administrative Code.

- From James E. Clyburn, President, International Association of Human Rights Agencies, a Memorandum relative to the 1986 Annual Conference just concluded (July 6-11, 1986) in Anchorage, Alaska, Director Hickins attended this conference and reported on it to the HRC. The next (the 39th) Annual Conference of the IAOHRA organization will be in New York.

- From Chairman Rita R. Semel of the Intergroup Clearinghouse, announcement of a general forum to discuss Propositions 63 and 64, to be held Wednesday, October 1, 1986 from 12:00 to 1:30 PM at the San Francisco Council of Churches, 942 Market Street, Room 408.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- Federal Office of Community Development Grants to the HRC.

The Mayor's preliminary proposal for the 1987 (calendar year) Community Development Grants awards for the HRC have been announced as: $58,000 for contract compliance; $65,000 for fair housing counseling. The HRC had requested $75,000 for the former, $73,000 for the latter.

However, since the federal government restored $3 million to San Francisco's OCD program it had cut previously, it is believed that the HRC will receive about $13,000 on the 1986 grant, which can be carried over to 1987. This will allow the HRC to remain at full funding, which provides two full-time professionals, one full-time clerical staff, one half-time supervisor, and some support funding.

- Intergroup Clearinghouse Grant from Haas Foundation.

The I.C. has received a $15,000 grant from the Haas Foundation. This will trigger the release of $7,500 of City funding which was condtional on the I.C's raising that amount privately. The I.C. also, in conjunction with Chief of Police Frank Jordan, is submitting a supplemental fund request of $10,000 to assist in Police training.

STANDING COMMITTEES

ADMINISTRATIVE
George Suncin, Chairperson

- Committee Report.

Gail Roberts reported in the absence of Commissioner Suncin. At the September 3, 1986 meeting the Committee discussed:

1. The proposed relationship between the HRC and Community Boards.
2. The draft of Guidelines for Commissioners and Staff on the Functioning of Standing Committees.
3. Agreement with the MBE/WBE/LBE Community Advisory Committee that the report on Chapter 12D implementation (the MBE/WBE/LBE Ordinance) combine data for 1984-85 and 1985-86.

The next meeting of the Committee will be Wednesday, October 1, at 9 AM in Room 509 of the HRC offices.

MBE/WBE/LBE COMMUNITY ADVISORY
David K. Yamakawa, Chairperson

Report on Mission Bay Study. Staff Report and Recommendations-Kevin B. Williams.

Commissioners were provided with background documentation including:

-The Department of City Planning Request for Qualifications sent to interested professional consultants in the areas of land use planning, urban design, landscape design, housing and development economics, transportation and hydrology.

-The City Planning Commission's authorization resolution from the Board of Supervisors to accept from Santa Fe Pacific Realty Corporation $800,000 to study planning and environmental implications of the proposed Mission Bay Project, along with the Mission Bay Study Budget.

-Mr. Williams's letter to Alec S. Bash, Project Director of the Mission Bay Study, enclosing the HRC Affirmative Action Programs packet with applicable forms used as a framework in negotiating with developers.

-HRC Coordinator Vicky Zimpel's Memorandum of March 4, 1986 outlining recommended actions by the HRC to insure active Mission Bay Project participation through affirmative action obligations.

Mr. Williams' presentation included a brief description of the huge Mission Bay Project, which lies between Third and Townsend Streets, south of downtown Market Street, bounded on the east by the Central Waterfront and west of the Bay to Potrero Hill, some 210 acres. This property was held for many years by the Southern Pacific Land Company, predecessors of the Santa Fe Pacific Realty Corporation. The Mayor's October 16, 1984 letter, following months of negotiation between the City and the developer, announced her support for a project that included at least 7,577 residential units, and up to 4.1 million square feet of office space, 2.6 million square feet of research and development space, and 200,000 square feet of retail space, with a commitment that no buildings would be over eight stories.

The Mayor's program, Mr. Williams said, would ensure that revenue from the project would be available to help subsidize community services, open space, and affordable housing requirements on the site.

On receipt of the $800,000 from the developers, special studies began covering some 21 subjects of concern, ranging from the Giants Baseball Stadium Proposal, to housing and its relationship to jobs, transportation, community facility needs, and diversified employment uses.

The special studies were scheduled for completion August 30, 1986. Community input concerning employment and economic development is to be solicited for public hearings to be held by both the City Planning Commission and the Finance Committee of the Board of Supervisors.

The HRC has been playing a key role in the introductory work on the Mission Bay Project: For Phase I, the Contract Compliance staff has already negotiated $180,350 or 45% of the $404,000 total, in contract awards to MBE/WBE-owned firms. For Phase II, HRC staff negotiated $135,000, or 17% of the total $800,000 study grant, for small MBEs, and $75,000, or 9.3%, for WBEs. These are the same firms that completed Phase I. The success of these negotiations, Mr. Williams said, stems primarily from the fact that each of the principal six areas of consultant study was broken down into prime contracts, thus facilitating negotiations with respective consultants individually.

The HRC, he continued, will continue to play a leading role, in concert with existing community groups presently strongly advocating an "aggressive" Affirmative Action Program through the Mission Bay Project operation.

Mr. Williams then urged that the HRC take action on the MBE/WBE/LBE Community Advisory Committee's recommendation, adopted August 21, 1986, that the HRC authorize the sending of two letters: one to the City Planning Department urging an aggressive Affirmative Action Program, and one to the developer, the Santa Fe Pacific Realty Corporation, urging that the HRC play a principal role in negotiating the Affirmative Action Program for the Mission Bay Project. Mr. Williams pointed out that the Land Development Agreement currently is in the final stages of negotiation making this action crucial at this time.

Before the HRC acted, however, Mr. Williams introduced Gene Goleman, Community Participation Officer, City Planning Department, who described the extensive coordination of the City's participation in the Mission Bay Project, the largest such development the City has ever been involved in. He distributed copies of the Mission Bay Study Consultant Contracts and MBE/WBE Allocation as of August 21, 1986, listing the consultants by firm name, and the amount of contract each received, in both Phase I and Phase II.

The target date for completion of the Land Development Agreement plan, he said, is November 1. The Agreement then has to be adopted by the Planning Commission and the Board of Supervisors, after which negotiations begin for the Development Agreement, with a firm Affirmative Action Program as an integral and important factor with HRC involvement

Mr. Coleman then responded to some Commissioner questions.

On the question of HRC jurisdiction in the Mission Bay Project (noted by Chairperson Soler), Mr. Coleman said that, barring there being any precedent/guidelines for a private developer's funding City departmental work on an Environmental Impact Report, there had thus far been more or less informal working relationships with the various City departments involved in the study being funded by the $800,000 payment by Santa Fe Pacific Realty Corporation.

To Commissioner Morrissey, Mr. Coleman said that the special studies portion of the Mission Bay Study includes consideration of school needs in the area, and that they are working with the San Francisco Unified School District.

- Commissioner Yamakawa commented that the Mission Bay Project includes issues that encompass all the areas of concern in the HRC's Standing Committees, and that it behooves them all to follow it closely.

It was then

******m/s/c that the HRC authorize sending two letters:

1. One to the Department of City Planning, urging an aggressive Affirmative Action Program for the Mission Bay Project; and
2. One to the developer, the Santa Fe Pacific Realty Corporation, urging that the HRC play a principal role in negotiating the Affirmative Action Program for the Mission Bay Project.

- Committee Report.

Commissioner Yamakawa noted that the Committee had held two regular meetings since the last HRC meeting on August 14 (the HRC September 11 meeting was cancelled).

It considered:

- City Purchasing Department Payment Concerns of Contractors.

The City Purchaser appeared at the Committee with members of his staff to discuss the impact of Proposition P (which authorizes the City Purchaser to enter into contracts up to $50,000 without the Chief Administrative Officer's approval; and to permit his agents to sign contracts for him), and the way the City goes from the contracting process to the payment process. Delays in payment by the City to its contracting particularly smaller MBEs and WBEs, has been an on going concern of the Committee and others. these concerns had been brought out in testimony at the HRC's Public Hearings in 1983 which led eventually to the adoption of Chapter 12D. The Committee is continuing to followup and monitor the City's payment performance.

-- Review of the MBE/WBE/LBE Performance Report for 1984-85

Gail Roberts reviewed the salient points of this report.

-- Recertification Process for Joint Ventures. HRC Coordinator Vicky Zimpel made a presentation on this complex subject. Commissioner Yamakawa detailed this complexity which occurs when, for example, a minority-owned local business joint-ventures with a non minority firm based out of the City, as far as applying the goals and objectives of Chapter 12D. Staff, under Ms. Zimpel, continue to work on this aspect of implementation, and are preparing forms that are needed.

- Director's Report on the MBE/WBE/LBE Ordinance Performance.

Mr. Mickins had appeared August 25 before the Humna Services Committee of the Board of Supervisors (Supervisors Kennedy, Maher, and Kopp) to reiterate the areas that had been outlined for HRC performance under Chapter 12D, pointing out that the HRC has, in fact, achieved each one of the steps mandated to it. He said there remain, however, some areas, such as outreach to the community, where lack of adequate staff has hampered maximum performance. He also cited the area of City payment promptness to contractors as a continuing problem. He said that Supervisor Kennedy had noted with praise that in the first two years of the implementation of Chapter 12D by the HRC, it had achieved an MBE contract participation rate of 13.67% of the contracting dollars, and 3.8% for WBEs. He said that the MBE/WBE/LBE Advisory Committee has asked for an update on the Fiscal 1985-86 performance under Chapter 12D The HRC expects to have computer capability very soon to expedite collection of the necessary data.

- Commissioner Lyon asked if the "bonding" issue (the conerns of small businesses that need financial bonding to qualify for contracting) had been discussed.

Commissioner Yamakawa stated that Mara Rosales, Deputy City Attorney, had attended the last Committee meeting regarding a Memorandum developed by the City Attorney's Office that appears to make it legal for the City to develop a revolving fund to assist small firms with bonding requirements.

It was noted that as Supervisor, present/new City Attorney Louise Renne had introduced legislation that would in fact authorize the City to set up such a reveolving fund.

It was then

******m/s/c that the HRC write City Attorney Renne asking for status of her proposed legislation.

Ms. Rosales also gave the Committee a review of the status of the legal challenge to Chapter 12D, by the Associated General Contractors, filed October 24, 1984, seeking to prevent the City's enforcement of Chapter 12D. U.S.District Judge Thelton Henderson rejected this legal challenge in August of 1985, and it is now before the U.S. Ninth Circuit Court of Appeals, where a decision is expected shortly.

- Commissioner Yamakawa welcomed Frank Anderson, staff to the Committee, back from vacation. He paid tribute to Linda Chin, who substituted for Mr. Anderson as Committee staffer during his absence, and did an able job. Commissioner Yamakawa further complimented Ms. Chin on her achievements in setting up the MBE/WBE/LBE certification unit for construction and for architectural and engineering contracts, and for her contributions to the recently-published MBE/WBE/LBE Directory.

LESBIAN/GAY ADVISORY
Phyllis Lyon/Sal Rosselli-Co-Chairpersons

- Impact of the LaRouche Initiative (Proposition 64)-Norm Nickens

Copies of the five-page narrative report, written at the request of the HRC at its August 14, 1986 meeting, were distributed to members of the HRC. Mr. Nickens' paper covers the background information on Proposition 64, commonly known as the LaRouche Initiative, which has qualified for the November 1986 State ballot. Mr. Nickens' introduction states, "If the initiative were to become law its ultimate interpretation would likely be left to the courts", and that his analysis is limited to the consequences that could result from passage and their impact on the human rights of San Francisco residents.

Mr. Nickens summarized the Initiative and what its stated action points are, including its defining AIDS as an infectious, contagious and communicable disease, which he says is a rejection of unanimous medical opinion to the contrary: that AIDS is a blood-borne disease, transmitted only through intimate sexual contact, the exchange of contaminated blood products, or through the in-utero transmission to infants.

In a section on the Effects of the Initiative in Mr. Nickens' paper, he states that the ambiguous wording of it regarding testing raises the possibility of testing being required of large numbers of individuals, at a vast economic cost. The testing, he writes, would not only have prohibitive costs (a projected cost of $88 million a year for 2.2 million tests of persons employed as food-handlers and educators in the State's public schools has been made by a University of California, Berkeley, economic analysis,) but could result in increased discrimination against individuals in high risk groups, Gay men, and ethnic minorities.

Mr. Nickens responded to several questions from Commissioners on points in his report.

It was then

*****m/s/c that the HRC adopt the report and forward it to the Mayor and to the members of the Board of Supervisors. The vote was unanimous.

- Committee Rpeort.-Jackie Winnow

Ms. Winnow thanked Commissioner Yamakawa for chairing the September 16, 1986 Committee meeting.

That meeting centered on Lesbian/Gay youth concerns, and heard from four speakers: Chris Nunez of the Community United Against Violence Lesbian/Gay Speakers' Bureau; Paul Gibson L.C.S.W., who spoke on Lesbian/Gay youth suicide & services issues; Hunter Morey, M.S.W., on Lesbian/Gay local school issues; and Hank Wilson, on Lesbian/Gay state school issues. The latter three are all members of the Gay & Lesbian Youth Advocacy Council. The Committee will consider the recommendations of these speakers submitted in writing, and return to the HRC with Committee recommendations along with a more in-depth report on the presentations.

Ms. Winnow announced the general forum (see Communications section of these Minutes) being held by the Intergroup Clearinghouse to discuss Propositions 63 and 64. The forum will be at the San Francisco Council of Churches, 942 Market Street, Room 408, on Wednesday, October 1, 1986.

Commissioner Lyon also thanked Commissioner Yamakawa for presiding over the Committee's September 16 meeting, saying that she had been attending an event at which the National Women's Political Caucus honored HRC Chairperson Esta Soler for her leadership in the community.

- HRC Request for City's Amicus Brief in AIDS Discrimination Case.-Eileen Gillis.

The State Department of Fair Employment and Housing currently is considering an administrative law judge's August decision upholding the termination by the Ratheon Company of an employee with AIDS.

The case is seen as one that would set DFEH policy on whether AIDS/ARC (AIDS-related condition) is defined and protected under the State's nondiscrimination protections for the handicapped.

Ms. Gillis requested HRC action inthe form of a request to the City Attorney that the office file an amicus curiae brief on behalf of the City with the complainant.

It was

*****m/s/c that the HRC formally request that the City Attorney file an amicus curiae brief, with other agencies, in case of Chadbourne v. Raytheon, to overturn the administrative law judge's ruling that Raytheon Company could terminate its employee becuase he had AIDS. The vote was unanimous.

To Commissioner Morrissey's questions, Ms. Gillis explained that the man fired had been diagnosed as having AIDS, had been hospitalized, and had been authorized to return to work by his physician.

NEW MATTERS

- Alice B. Toklas Lesbian/Gay Democratic Club Ninth Annual Awards Dinner.

Commissioner Lyon and Rosselli will be among other Lesbian/Gay Commissioners of the City who will be honored at this dinner on Saturday, October 18, 1986 at the San Franciscan Hotel, 1231 Market Street. Tickets are $50.00 Norm Nickens is coordinating arranging for an HRC table.

- At the request of Commissioner Moulton, Chairperson Soler asked that personal correspondence addressed directly to members of the HRC that is sent to the HRC office be sent expeditiously to the member addressed.

- Kevin B. Williams of the HRC staff has been appointed by State Senator Daivd Roberti as a member of the Advisory Board to the Senate Select Committee on Small Business Enterprise.

CALENDAR MATTERS

ADMINISTRATIVE	Wednesday, October 1, 1986 5 PM Room 509 HRC Office 1095 Market Street
EMPLOYMENT	Thursday, October 2, 1986 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, October 21, 1986 5:30 PM Room 1200 State Building 350 McAllister Street

MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, October 16, 1986 3:30 PM Third Floor, Commission Room Main Library, Civic Center
HOUSING AND URBAN DEVELOPMENT	Wednesday, October 15, 1986 3 PM Room 509, HRC Office 1095 Market Street
SOCIAL ISSUES AND POLICE LIAISON	To be announced.
YOUTH AND EDUCATION	Thursday, October 16, 1986 3:30-5:30 PM Room 1200, State Building 350 McAllister Street

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins via
Jack Casford

GSM:JC:bclp

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HRC
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HUMAN RIGHTS COMMISSION
OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, October 9, 1986
Room 1200 State Building
350 McAllister Street
Civic Center 9:00 A.M.

NEXT MEETING

DATE: Thursday, October 23, 1986

TIME: 9.00 A.M.

PLACE: Room 1200, State Building
350 McAllister Street
Civic Center

ROLL CALL

Commissioners

Present: Esta Soler (presiding), Allen Bennett, Samuel Chung, Joe Jung, Phyllis Lyon, Larry Martin, John Moylan, Nicerita Revelo, George Suncin, David Yamakawa, Jr.

Excused: Corrine Lee, John Morrissey, Joan Moulton, Sal Rosselli, Brenda Wade.

Staff

Present: Grant Mickins, Jack Casford, Richard Morton, Gail Roberts, Gary Wong.
Ralph Hurtado, HRC Liaison, Mayor's Office.

No Pledge of Allegiance because no Flag is provided in the meeting room. Minutes of the regular meeting of September 25 (the September 11 HRC meeting was cancelled) were approved.

COMMUNICATIONS

- From State Senator David Roberti, President Pro Tempore, a form letter discussing his action in the State Senate sending Assembly Bill 483, a bill that would have weakned rent controls in California cities, to the Rules Committee, thereby blocking further discussion on it in this Session of the California Legislature.

- From Frederick E. Jordan, President, San Francisco Black Chamber of Commerce, thanking Director Mickins for information on the results to date of the MBE/WBE/LBE Ordinance.

- From James E. Clyburn, President, International Association of Official Human Rights Agencies, a Memorandum to all IAOHRA members (including the HRC, represented by Director Grant Mickins) commenting on the successful recent 38th Annual Conference (July 6/11) in Anchorage, Alaska. The 39th Annual Conference will be in New York City.

- From Anne Marie Theilen, Director, Neighborhood Arts Program, thanking Director Mickins for assistance in the Board of Directors election at the Western Addition Cultural Center. HRC staff member Bettye Burrell was designated by Director Mickins for this work.

- From Mayor Feinstein, a Memorandum to all Department Heads, requesting early identification (by November 1) of their top priorities for increased funding for 1987/88.

- From John J. Walsh, General Manager, Personnel, Civil Service Commission, a copy (sent also to a number of City Officials and Supervisors and including HRC staff members Kevin B. Williams and Frank Anderson) of his letter to Supervisor Wendy Nelder, Chair, Civil Service and General Administration Committee of the Board of Supervisors, regarding an inquiry letter from the Clerk of the Board on September 8, 1986, relating to "...waiver exemption after a civil service vacancy requisition notice has been issued, after an examination given and a list of eligibles posted.

- From Alayne MacArthur, Associate Affirmative Action Coordinator, Civil Service Commission, the CSC representative on a committee established by Supervisor Doris Ward to address local efforts to assure reasonable accommodation for handicapped individuals and those having AIDS/ARC, asking for HRC staff review of proposed amendments to Chapters 12A, 12B, and 12C she has drafted.

- From Mayor Feinstein, a Memorandum to Boards and Department Heads, reminding that Police and Fire teams will participate in Navy-City softball games October 12 at 10 A.M. at Big Rec Field (9th and Lincoln) in Golden Gate Park.

- From Mayor Feinstein, a copy of her State of the City Message, delivered October 6, 1986.

CHAIRPERSON'S REPORT

- Issues in Equal Employment Conference.

Some 177 persons attended this October 7 event, co-sponsored by the HRC and the Civil Service Commission, a day-long session featuring six separate workshops on: Grievance Resolution techniques used by Community Boards, Meeting the Challenge of Women in Nontraditional Jobs, Employment of Handicapped: Problems and Solutions; Fear of Firing: Practical Advice on Terminations, How to Avoid EEO Complaints and What to Do If You Can't; and Issues and Answers About AIDS in the Work Place. The welcoming address was by HRC Director Grant Mickins, and Supervisors Nancy Walker and John Walsh, General Manager, Civil Service Commission, led a dialogue on Employment in the Eighties at the luncheon.

Chairperson Soler commended Mary Gin Starkweather of the HRC staff for her excellent work in planning and coordinating the conference, which was held at the Hyatt on Union Square Hotel. She also commented that she was pleased to see the racial and ethnic diversity of the attendees and the participation of many women managers.

- Concerns of Women Carpenters Regarding the HRC's Affirmative Action Program for Construction Contracts.

This issue has been before the Employment Committee, and a letter from the United Brotherhood of Carpenters and Joiners of America (UBCJA) Bay Area Women's Committee to the Committee detailed suggestions for more "...effective ways of monitoring affirmative action in the building trades" was responded to in writing by Director Mickins in detail.

On October 6, Director Mickins, HRC Coordinator Vicky Zimpel, Commissioner Martin, Richey Rice-Gore (member of the Employment Committee) and Chairperson Soler met with a group of women carpenters to study the goals set for construction and apprenticeship programs. The concerns focus on the lack of employment opportunities for women carpenters overall in the construction trade and in City-funded projects. Commissioner Martin, Co-Chairperson of Employment Committee, asked to join future discussions. The Employment Committee will be coming to the HRC with a full review of the issue by the end of the year.

DIRECTOR'S REPORT

- MBE/WBE/LBE Data Reports (Fiscal 1985-86) from City Departments.

A September 30 deadline for submittal to the HRC of MBE/WBE/LBE data reports on contracting and concessions/leases covering Fiscal 1985-86 from all City departments was substantially met. Director Mickins paid tribute to HRC staff member Clemente Newball-Obregón for his work on the collection of this material. Mr. Mickins also said the Mayor personally had been instrumental in getting this data submitted to the HRC by the deadline.

Staff now is analyzing the data and compiling the report that will be made to the MBE/WBE/LBE Community Advisory Committee. There are some delinquencies remaining in submittal of departmental MBE/WBE/LBE implementation plans for Fiscal 1986-87.

- State of the City Address by Mayor.

Copies of the full text of this Address will be provided the members of the HRC, if the Mayor's Office has not already sent them. Director Mickins noted that the Address did not include the successful experience for 1984-85 of implementation of the MBE/WBE/LBE Ordinance.

STANDING COMMITTEES

ADMINISTRATIVE
George Suncin, Chairperson

- Draft Letter to Community Boards of San Francisco.

The Community Boards organization in July had requested a formal relationship with the HRC, and this draft letter responding to its specific requests was referred back to the Administrative Committee for further consideration and input.

- Proposed Commemoration of MBE/WBE/LBE Ordinance's Second Anniversary.

Commissioner Yamakawa noted that Chapter 12D (the MBE/WBE/LBE Ordinance) took effect in August, 1984, following its formal adoption the preceding April. In 1985, the Mayor held a press conference in her office at which the first year of HRC implementation was cited. In 1986, so far, he noted, the only observance of the second anniversary has been mentioned in the HRC Minutes. The first and second-year data, he said, is due to be presented in November to the MBE/WBE/LBE Community Advisory Committee, and to be before the full HRC at its December meeting.

The task of further plans for second-anniversary commemorative observances for Chapter 12D implementation was referred back to the Administrative Committee.

- Guidelines for Commissioners: HRC Standing Committees.

This document in draft form is still before the Administrative Committee. It is intended as a resource for Commissioners in their responsibilities with Standing Committees.

Roster of Standing Committees.

Updated rosters of the HRC Standing Committees and staffing responsibilities and contacts will be circulated to the members of the HRC.

YOUTH AND EDUCATION

Allen B. Bennett, Co-Chairperson

- Proposed Resolution Urging that the San Francisco Board of Education Declare the Tuesday Before Thanksgiving Day of Each Year Human Rights Day.

Commissioner Bennett announced that the Committee has learned, subsequent to its action in drafting and recommending this Resolution to the HRC, that the General Assembly of the United Nations observes December 10 as an international Human Rights Day, in observance of the proclamation of the UN Declaration of Human Rights on December 10, 1948.

In view of this, the Chairperson referred consideration of the proposed Resolution back to the Youth & Education Committee. Commissioner Lyon asked that the human rights wording be broadened.

NEW MATTERS

- HRC Ad Hoc Committee on AIDS.

Norman Nickens, AIDS Discrimination Representative in the HRC offices, has invited members of the HRC, the Commission on the Status of Women, their staffs and Standing Committee members to the first meeting of this Committee on Wednesday, October 22, at 5 P.M. in Room 509 at the HRC offices. The meeting is being called to discuss the HRC's current AIDS-related activities and will address specific areas, including: AIDS-related housing issues women and AIDS, ethnic minorities and AIDS and involvement by Standing Committees.

- Proposed Amendments to Chapters 12A, 12B, and 12C.

Commissioner Yamakawa noted that there are proposed amendments to Chapters 12A, 12B, and 12C (See Communications section of these Minutes), relative to adding handicapped provisions therein. He suggested that this subject be placed on the next agenda for the Administrative Committee and that all appropriate pertinent material be distributed.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, October 23, 1986 at 9:00 A.M. in Room 1200 of the State Building, 350 McAllister Street, Civic Center.

STANDING COMMITTEES

ADMINISTRATIVE	Wednesday, November 5, 1986 5:00 P.M. Room 509 HRC Offices 1095 Market Street
EMPLOYMENT	(The October 2, 1986 meeting was cancelled.) Thursday, November 6, 1986 9:30 A.M. 1850 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, October 21, 1986 5:30 P.M. Room 1200 State Building 350 McAllister Street
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, October 16, 1986 3:30 P.M. Third Floor Commission Room Main Library, Civic Center
HOUSING AND URBAN DEVELOPMENT	.
SOCIAL ISSUES AND POLICE LIAISON	To be announced.
YOUTH AND EDUCATION	Thursday, October 16, 1986 3:30 - 5:30 P.M. Room 1200, State Building 350 McAllister Street

No Remarks from the Audience.

Adjournment.

Respectfully submitted,

Grant S. Mickins via
Jack Casford

GSM:JC:np

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10/23/86

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO
Minutes of the Meeting of Thursday, October 23, 1986
Room 1200 State Building
350 McAllister Street, Civic Center
9 AM

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NEXT MEETING

DATE: Thursday, November 13, 1986
TIME: 9 AM
PLACE: Room 1200, State Building
350 McAllister Street
Civic Center

ROLL CALL

Commissioners

Present: Brenda Wade (presiding), Allen Bennett, Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, Larry Martin, Joan Zamora Moulton, Nicerita Revelo, David Yamakawa Jr.

Excused: John Morrissey, John Moylan, Sal Rosselli, Esta Soler, George Suncin.

Staff

Present: Grant Mickins, Frank Anderson Jack Casford, Linda Chin, Gail Roberts, Pansy Waller, Vicky Zimpel.

Ralph Hurtado, HRC Liaison with the Mayor's Office

Sandra Crumpler, Outreach Officer, Airports Commission.

No Pledge of Allegiance because no Flag is provided in the meeting room.

Minutes of the regular meeting of Octber 9, 1986 were approved, with the addition of one sentence on Page 2, under Chairperson's Report, paragraph 2: The Chairperson also requested that a letter of commendation to Ms. Starkweather be placed in her personnel file.

COMMUNICATIONS

- From Dennis P. Bouey, Deputy Director, Airports Commission, requesting waiver of the requirement for the MBE/WBE/LBE Program in Part II of the HRC's Affirmative Action Program because of the emergency nature of a contract to build storage tanks for emergency repairs or removal of leaking underground fuel storage tanks.

- From Louise H. Renne, City Attorney, (via Judith A. Boyajian, Deputy City Attorney) a copy of a response to James B. Tippin, Jr.'s request for advice concerning the nature of his exposure, if any, to personal liability while acting as a hearing officer for the HRC, stating, in part, "...for all practical purposes the risks of personal liability would appear to be minimal."

- From Mr. Tippin, a copy of his thank-you for the above response.

- From Lou Webb, Director, San Francisco Labor Council AFL-CIO, inviting Director Grant Mickins to a dinner November 6, 1986 to hear Frank Emig, national director of the AFL-CIO community services department.

- From Pearl Yamane, Administrative Manager, Central City Hospitality House, thanks to Bettye A. Burrell, HRC Contract Compliance Representative, for her professional assistance on a bid contract matter.

- From Angela Gittens, Deputy Director of Airports, Business and Finance, outlining the Airport's MBE/WBE/LBE Participation Program, and defining roles of Airport and HRC staff in the program.

- To Ms. Georgia Quiñones, Director, Community Boards of San Francisco, response by the Vice-Chairperson of the HRC, George A. Suncin, in his role as Chairperson of the Administrative Committee, to requests of Community Boards for a formal relationship with the HRC on four specific points.

- From Manuel Llama, President, Malaco International, Inc., requesting a Show Cause hearing to protest HRC findings in the award of a Muni contract.

- From John L. Taylor, Clerk of the Board of Supervisors, a Memorandum to all Department heads, asking for comment on proposed legislation introduced by Supervisor Willie B. Kennedy that would require public hearings before City officers or employees may adopt rules and regulations relating to the administration of duties or affairs that are placed under their jurisdiction by ordinance.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

- Budget Preparation.

Work has begun on preliminary preparation of the HRC budget request for Fiscal 1987-1988. The Mayor, Mr. Mickins reported, has asked department heads to submit by November 3 their five highest priorities with respect to new positions and new requests.

STANDING COMMITTEES
Rabbi Allen B. Bennett, John C. Morrissey, Co-Chairpersons

- Proposed Resolution Urging that the San Francisco Board of Education Declare that December 10th of Each Year be Human Rights Day.

On learning that the United Nations in 1948 had declared that December 10 of each year be observed internationally as Human Rights Day (action memoralizing that date as the observance of the proclamation of the UN Declaration of Human Rights), the Committee had altered its previous proposed Resolution (brought to the HRC at its October 9 meeting) to be consistent that date.

It was then

******m/s/c that the HRC adopt the Resolution Urging that the San Francisco Board of Education Declare that December 10th of Each Year be Human Rights Day. A copy of that Resolution is attached to these Minutes.

Before the vote, which was unanimous, it was

******m/s/c that Commissioner Corrine Lee be permitted to abstain from voting.

- Meeting with Superintendent of Schools Ramon Cortines

Mr. Cortines, in the first months of his tenure since he assumed the position, was a guest of the Committee for what Commissioner Bennett called a "most impressive presentation" of information about current, new, and projected programs and policies in the San Francisco Unified School District.

Commissioner Bennett praised Mr. Cortines' provision of charts and statistics, and his detailing of district actions on problem areas, characterized as "..this is what we are doing, what we have done, and what we propose to do; ." to deal with them.

The Superintendent was described as responsive to all questions and receptive to suggestions, and as stating that he was open for followup contact with the Committee, and its help and support .

A formal letter of thanks was sent to Superintendent Cortines.

MBE/WBE/LBE COMMUNITY ADVISORY
David K. Yamakawa Jr. Chairperson

- Committee Report.

At the Committee's regular meeting of October 16, it considered several items:

1. There is continuing progress towards completing the Performance Report covering the first and second fiscal year data, which will be brought to the HRC very soon .

2. Work continues on implementation of the recommendations made by Aileen C. Hernandez Associates in September of 1985 in a report entitled, "Between a Rock and a Hard Place". The study and recommendations pertain to the impacts on minority-owned women-owned, and small businesses of bonding, insurance, and other fee-related requirements of departments and agencies of the City for businesses entering into agency contracts

3. A status report on the proposed Revolving Loan Fund (#97-86 15) by Pansy Ponzio Waller, HRC Contract Compliance Officer. Supervisor Louise Renne had requested legislation establishing this revolving fund (establishment of it being one of the recommendations of the Hernandez report "to make short term loans to qualified minority and women-owned businesses "). The legislation status, Ms. Waller reported, is that it has been filed by Ms. Renne, who left her post as Supervisor in early September when she was appointed City Attorney by Mayor Feinstein.

   Commissioner Yamakawa stated that Director Hickins had written to Supervisor Willie B. Kennedy, on October 16 requesting that she call the proposed revolving fund legislation from file and refer it to the appropriate Board committee, noting that Deputy City Attorney Mark Kertz has found that it is legal to establish the revovling loan fund, "... as long as it can be demonstrated that the need exists for such a fund."

4. A Committee member continues to work on the issue of improving the promptness of payment by the City to its contractors for completed work and services

5. A report on the overview of data collected by the computer at the City Purchasing Department, which is instrumental in the implementation of the MBE/WBE/LBE Ordinance

- Illness of Linell Harden.

Commissioner Yamakawa noted with regret that Mr Harden, HRC Contract Compliance Officer I, who has been an integral factor in the certification and other implementation work under the MBE/WBE/LBE Ordinance, based at the City Purchasing Department, was hospitalized with an illness approximately a week ago. He has been discharged from the hospital and reportedly is improving A card on behalf of staff and HRC has been sent to him, and individuals have contacted him as well Acting Chairperson Wade asked that the HRC be kept apprised of his condition Director Mickins said that Mr. Harden had been a key figure in establishing the certification process, but that his illness would require a period of recuperation before he can return to work

NEW MATTERS

- Festival of Spanish Song Tribute

At the request of Commissioner Moulton, it was

******m/s/c that the HRC send a letter of congratulations to Ana Deysi, who was a finalist in a Festival of Spanish Song sponsored recently by the O.T.I. organization in Miami, Florida. Ms. Deysi, who is with the Mexican-American Legal Defense Fund in San Francisco, will be honored at an event to be held after the November City-wide elections, Commissioner Moulton reported.

- United Way of the Bay Area Drive

Vicky Zimpel, who is coordinator of this annual fund-raising drive, explained that it combines the United Way agencies with the Environmental Federation of California and the California Combined Health Agencies. She distributed pledge forms and information to members of the HRC, and spoke of the goal of full participation.

CALENDAR MATTERS

- The next regular meeting of the HRC will be Thursday, November 13, 1986 at 9 AM in Room 1200 of the State Building, 350 McAllister, Civic Center Center.

AD HOC COMMITTEE ON AIDS	Wednesday, November 19, 1986 5 PM. HRC Office Room 509 1095 Market Street
ADMINISTRATIVE	Wednesday, November 5, 1986 5 PM Room 509, HRC Office 1095 Market Street
EMPLOYMENT	Thursday, November 6, 1986 9:30 AM 1850 Mission Street
LESBIAN/GAY ADVISORY	Tuesday, November 18, 1986 5:30 PM Room 1200 State Building 350 McAllister Street

MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, November 20, 1986 3:30 PM Commission Room Main Library Civic Center
HOUSING AND URBAN DEVELOPMENT	To be announced
SOCIAL ISSUES AND POLICE LIAISON	Wednesday, November 19, 1986 Noon Room 509, HRC Offices
YOUTH AND EDUCATION	Thursday, November 20, 1986 3:30-5:30 PM Room 1200 State Building 350 McAllister Street

No Remarks from the Audience

Adjournment

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:bclp

5 A report on the overview of data collected by the computer at the City Purchasing Department, which is instrumental in the implementation of the MBE/WBE/LBE Ordinance

ATTACHMENT #1

CITY AND COUNTY OF SAN FRANCISCO

HUMAN RIGHTS COMMISSION
Office of Minority/Women Business Enterprise

Office of Contract Compliance

Office of Dispute Resolution

HUMAN RIGHTS COMMISSION
RESOLUTION URGING THAT THE SAN FRANCISCO BOARD OF EDUCATION DECLARE THAT DECEMBER th OF EACH YEAR BE HUMAN RIGHTS DAY

WHEREAS, the Human Rights Commission, as an official agency of the City and County, is desirous that the Board of Education declare December 10th of each year as Human Rights Day; and

WHEREAS, the San Francisco Unified School **District** on that day, in its lessons and activities, should reflect our precious legacy of human rights and affirm our diverse race, color, **national** origin, sex, religion, sexual orientation, ancestry, and disability;

NOW, **THEREFORE**, BE IT RESOLVED, that the Human Rights Commission urge that the Board of Education formally declare December 10th of each year as Human Rights Day in the San **Francisco** Unified School District, to be marked by appropriate activities at all levels throughout the District.

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Resolution 7-86

Adopted by the HRC 10/23/86

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HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, November 13, 1986
Room 1200 State Building
350 McAllister Street, Civic Center

NEXT MEETING

The fourth Thursday regular meeting date for the HRC falls on Thanksgiving Day, November 27, a legal holiday.

DATE: Thursday, December 11, 1986
TIME: 9:00 A.M.
PLACE: Room 1200 State Building
350 McAllister Street
Civic Center

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ROLL CALL

Commissioners

Present: Esta Soler (presiding), Rabbi Allen Bennett, Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, John Morrissey, John Moylan, Nicerita Revelo, Brenda Wade, David Yamakawa, Jr.

Excused: Larry Martin, Joan Moulton, Sal Rosselli, George Suncin.

Staff

Present: Grant Mickins, Frank Anderson, Bettye Burrell, Jack Casford, Richard Norton, Gail Roberts, Vicky Zimpel
Ralph Hurtado, HRC Liaison with the Mayor's Office

Lesbian/Gay Advisory Unit Interns: Richard Bell, Chris Perry. See Lesbian/Gay Advisory Committee report below in these Minutes.

No Pledge of Allegiance because no Flag is provided in the meeting room.

Minutes of the regular meeting of October 23, 1986 approved, with two corrections:

1. On Page two, under the STANDING COMMITTEE reference, the words, YOUTH AND EDUCATION COMMITTEE were omitted inadvertently. That Committee, co-chaired by Commissioners Rabbi Allen B. Bennett and John C. Morrissey, was the subject of the report following.

2. On Page 4, under NEW MATTERS, Festival of Spanish Song Tribute, in lines 3 and 4 in the wording of the motion carried, Mr. Ralph Hurtado stated that Ms. Deysi is with the Mission Community Legal Defense Fund, not the Mexican-American Legal Defense Fund.

COMMUNICATIONS

- From Dennis R. Kay, Chairman, Council Formation Committee, San Mateo County Human Relations Commission, a copy of a memorandum to all Bay Area Human relations commissions, proposing that there be formed a Bay Area Council of Human Relations Commission, with the purpose of sharing ideas, discussing issues, and disseminating relevant information, and also coordinating the action of respective commission should an issue of regional significance arise. *****Commissioner Yamakawa requested during this regular meeting (see New Matters below in these Minutes) that the Administrative Committee deal with this request.

- From Alayne MacArthur, Associate Affirmative Action Coordinator, Civil Service Commission, copies of proposed amendments to the San Francisco Administrative Code, Chapters 12A, 12B, and 12C, as sent to Supervisor Doris Ward. Supervisor Ward, with Supervisor Harry Britt of the Reasonable Accommodation Committee, is to forward the proposals to the City Attorney's Office for review and drafting into legislative language.

The amendments as drafted refer (12A and 12B) to reasonable accommodation of handicapped/disabled job applicants and employees, and also add AIDS/ARC as a protected basis under the Nondiscrimination provisions of Chapter 12C.

See below in these Minutes under the Administrative Committee for further discussion.

- From Burk E. Delventhal, Deputy City Attorney, a memorandum to Gail Roberts and Vicky Zimpel of the HRC staff relative to draft legislation requested by Supervisor Nancy Walker, specifically a proposed Disclosure Ordinance which would require employers to provide names of principals involved in contracts, names of employees, wage rates, MBE/WBE compliance, and other information.

- From Walter L. Johnson, Secretary-Treasurer, San Francisco Labor Council, AFL-CIO, urging participation on November 13 at Mosswood Park in Oakland at noon in a march and rally in support of strikers against Kaiser Hospital. Mr. Johnson's letter also attached a notice of a march and rally in support of Lodge 1305 and Local 1176 on Saturday, November 22, in Franklin Square Park (16th and Bryant) at 11:30 AM relative to an issue with the owner of the San Francisco Auto Center, and the owners and operators of European Motors and Van Ness Plaza.

- From M. H. Geistlinger, Director of Purchasing and Services, Purchasing Department, a copy of a memorandum to all City departments through Roger Boas, Chief Administrative Officer, discussing the Purchaser's regulation regarding the South Africa Divestment Ordinance and its application to accounting firms and trade names.

- From the Martin Luther King, Jr., Birthday Observance Committee, a notice of a meeting of the November 12 planning committee for the 1987 celebration of Dr. King's birthday.

- From Lisa Hopper, Program Administrator, Intergroup Clearinghouse, Inc., at the request of Rita Semel, Chair, a copy of a letter to Mayor Feinstein from Frank M. Jordan, Chief of Police, supporting its request for supplemental City funding.

- From Supervisor Nancy Walker, Chair, and Members of the Finance Committee, a memorandum to all City departments announcing a second round of budget reviews (hearings) "..in order to re-examine the 1986-87 budget in light of updated Federal and State revenue information and to review departments' priorities for the 1987-88 budget." The HRC is scheduled to appear Wednesday, December 10, 1986, with information requested to be submitted by December 1.

DIRECTOR'S REPORT

- Finance Committee Budget Review

  Hearings begin November 19 in a second round of budget reviews for City departments. See above item in Communications section.

- Commissioner Morrissey asked what use is made of the Management-by-Objectives narrative and statistical reports from all City departments in the budget process. The Director and the Chairperson noted that the Board of Supervisors and Finance Committee in the past rarely have used the MBO material, but depend on the Budget Analyst's data, where as whereas the Mayor's Office does use the MBO in its work on departmental budgets.

- Assembly Bill 1464 - State "MBE/WBE"-type Certification for Contracts.

Governor Deukmejian signed this legislation into law about two weeks before the November 5 elections. It mandates State Agencies to develop some Affirmative Action requirements for State contractors, the first such legislation at this level. It defines various ethnic groups as "Socially and economically disadvantaged." San Francisco, as a Charter city, would be affected in some way by this new law, Mr. Mickins said. There is a section regarding the "good faith" clause, defining what good faith efforts contractors must make under contract compliance.

Director Mickins and HRC Coordinator Vicky Zimpel met recently with Deputy City Attorneys Mara Rosales and Robert Maerz in order to review the impact the bill will have on the HRC as far as conformity, but guarding against State pre-emption in the contract compliance field.

Mr. Mickins said that the State bill was introduced and strongly supported by the community contract compliance groups statewide, with the consent of the Associated General Contractors.

He noted that the State language is fairly consistent with that of the HRC's.

- Public Utilities Commission Compliance Work.

For the past month, the HRC staff has been processing 2 selected certification and determinations for PUC contractors seeking MBE/WBE status, work normally done by the PUC's separate contract compliance staff.

Mr. Mickins stated that it has long been the position of Deputy City Attorney Mara Rosales that certification and determination of would-be MBEs and WBEs is not valid when made by the PUC staff. He said that such work by the PUC staff is not based on Administrative Code provisions, a stance the HRC has maintained for some time. He has met with Ms. Rosales regarding steps to be taken to establish the HRC's authority to make these certifications and determinations.

The specific issue that has re-opened this subject is the bus shelter contract, which some time ago ran into dispute about valid minority/women/locally-owned status. On the second round of the bidding procedure, the City Attorney, Mr. Mickins said, dtermined that the HRC should make the certifications/determinations, and that is what has been done for the past three or four weeks.

The bus shelter contract is to extend some fifteen years, with profit expectations of $10 to $15 million.

City Attorney Louise Renne will be asked to make a final ruling on the HRC's mandated role to do certification determinations on the PUC contractor applicants. Eventually, Mr. Mickins stated, the Mayor will be involved. He said that the Deputy City Attorneys are at this point convinced that the present situation, with a separate PUC certification/determination role, cannot continue, because it is not legally authorized in the San Francisco Administrative Code ordinances.

The Director also stated that the City Attorney has stated that the certification/determination duties cannot be delegated. He said that he expected the Administrative Committee to be closely involved in the issue until it is resolved.

CHAIRPERSON'S REPORT

- United Way of the Bay Area Drive - Vicky Zimpel.

Ms. Zimpel, Coordinator of the HRC's participation in this annual fund-raising drive, appeared for the second time before the HRC to provide an update on the status of contributions. She said that 60% of the staff have made contributions/pledges, and 20% of the HRC members, (with an overall goal of 50% for both groups), that 66% of the Commission on the Status of Women staff have given, and that Commission's members have yet to be canvassed. The deadline for giving is November 14.

- Women Carpenters' Concerns.

This issue, reported in the HRC's Minutes of October 9, 1986, has been before the Employment Committee in a representation from the United Brotherhood of Carpenters and Joiners of America (UBCJA) Bay Area Women's Committee on their concerns about the lack of employment participation by women carpenters overall in the construction trade and in City-funded projects.

An ad hoc committee consisting of Director Mickins, Chairperson Esta Soler, and Vicky Zimpel, has been meeting with the Bay Area Women's Committee (carpenters) to address their concerns. Among the considerations are "beefing up" the sanctions provided for in Chapter 12B, given that presently the HRC enforcement powers are limited. Chairperson Soler commended HRC staff who have been working extra hours on this issue, and she said a former period of tension has evolved into a good working relationship. She said also that the ad hoc committee determinations would eventually go to the Employment Committee for discussion and action, and thence to the HRC.

- Commissioner Yamakawa urged that if the sanctions under Chapter 12B are strengthened, that those under Chapter 12D be considered as well.

- Nominating Committee Named.

Chairperson Esta Soler appointed Commissioner Phyllis Lyon (as chair), with Commissioners Nicerita Revelo and David Yamakawa, to serve as the Nominating Committee to bring nominations for positions of Chairperson and Vice-Chairperson for the HRC for the calendar year 1987.

STANDING COMMITTEES

LESBIAN/GAY ADVISORY
Commissioners Phyllis Lyon/Sal Rosselli, Co-Chairpersons

- Request for HRC Approval of Recommendations on State-Level

Lesbian/Gay Youth Issues.

Commissioner Lyon referred her colleagues to their meeting packets, which contained a narrative report on a Lesbian/Gay Youth Panel held by the L/GAC September 16, and an L/GAC letter to the State Department of Education regarding the proposal for Family Life Guidelines. Four persons, Chris Nunez, Paul Gibson, Hunter Morey, and Hank Wilson, were the panel members.

The Committee asked the HRC at this time to approve four concerns/recommendations to be addressed to State education officials and agencies:

1. The California State Department of Education, under the direction of Superintendent of Public Instruction Bill Honig, should expeditiously implement Recommendation #30 of Attorney General Van de Kamp's Commission on Racial, Ethnic, Religious, and Minority Violence report. Recommendation #30 specifies that a handbook be developed to provide information on Gay and Lesbian lifestyles and counter myths and stereotypes about Gays and Lesbians for teachers and school administrators. (A copy of Recommendation #30 in full was attached to the packet material for the HRC)

2. The Commission on Teacher Credentialing should initiate curriculum in the teacher-training college programs dealing with homosexuality. By doing this, the State school system is assured quality regulated curriculum to all . beginning teachers, instead of afterward on a catch-as-catch-can basis.

3. The Curriculum Development and Supplemental Materials Commission (K-8) and the San Francisco Unified School District (9-12) should screen textbooks for homophobia, so that only textbooks with objective references to homosexuality are used.

4. The Human Rights Commission urges local educational agencies and unions to join the Human Rights Commission in its concerns and indicate such to the California State Department of Education and Bill Honig, Superintendent of Public Instruction.

4. The Human Rights Commission urges local educational agencies and unions to join the Human Rights Commission in its concerns and indicate such to the California State Department of Education and Bill Honig, Superintendent of Public Instruction.

Commissioner Lyon reminded the HRC that it has been approximately ten years since it, through the L/GAC, began working on the problem of adequate education for young people on Lesbian/Gay lifestyles, and efforts to reduce violence created by young people. She said that the San Francisco Unified School District has made some considerable progress in this area, and the goal now is to make similar progress in public education on a Statewide level.

It was then
*****m/s/c that the HRC approve the four recommendations, and forward them in writing to the appropriate State sources.

- Student Interns-L/GAC

Commissioner Lyon introduced Kris Perry and Richard Bell, student interns assigned to the Committee. Each is a Master's of Social Welfare degree candidate at San Francisco State University. They will be doing their work under the direction of L/GAC staff through May, 1987.

- Commissioner Morrissey, noting the reference to the Attorney General's Commission on Racial, Ethnic, Religious and Minority Violence report (called the Final Report, 1986), asked if the other 37 written recommendations it contains could be provided to members of the HRC.

Jack Casford reported to the Commissioner that the Social Issues and Police Liaison Committee has worked closely with the Commission since its inception in 1984, that the HRC contributed testimony on behalf of the Director to the public hearings conducted throughout California on community violence, that it heard a presentation from a member of the Commission staff, and that it monitors the recommendations as they pertain to areas of jurisdiction of the HRC and its Standing Committees.

ADMINISTRATIVE
George Suncin, Chairperson

- Commitee Report - Commissioner Lyon.

1. Proposed Amendments to Chapters 12A, 12B, and 12C, and Article 38.

   See Communications section of these Minutes. These amendments have been drafted by the Associate Affirmative Action Coordinator of the Civil Service Commission, as requested by Supervisor Doris Ward, with Supervisor Harry Britt a member of the Reasonable Accommodations Committee. They now go to the City Attorney's Office for review and for drafting into legislative language. They pertain to reasonable accommodation for handicapped persons and those having AIDS/ARC (Acquired Immunity Deficiency Syndrome/AIDS-Related Condition). The HRC, Commissioner Lyon said, will have further input (probably after the first of next year) before they are introduced for Board action.

2. First Anniversary of Article 38 of the Municipal (Police)

   Code, the Sexual Orientation Nondiscrimination Ordinance.

   This event, to be marked December 12, will also include a discrimination complaint press release, incorporating the caseload report, and a party.
   It was
   *****m/s/c that this commemorative action be authorized.

3. Second Anniversary of the Passage of the MBE/WBE/LBE Ordinance

   It was
   ***** that the MBE/WBE/LBE Community Advisory Committee be authorized to mark the second anniversary with a party, to be held on Thursday, December 18, from 3:30 to 5:30 P.M. The party will honor the buyers of the Purchasing Department and MBEs, WBEs, and LBEs will be invited. The Friends of the Human Rights Commission will be asked for financial support. Commissioner Jung has offered to be host for the party at his restaurant.

4. Budget Issues for the HRC's 1987-1988 Fiscal Year.

   Budget issues were submitted to the Mayor's Office in five program areas: Administration, Contract Compliance, Intergroup Clearinghouse, Lesbian/Gay-AIDS/ARC, and MBE/WBE/LBE Ordinance. The Mayor's Office has requested resubmittal of these issues, focusing on a total of no more than five budget requests.

MINORITY/WOMEN/LOCAL COMMUNITY ADVISORY
Commissioner David K. Yamakawa, Jr., Chairperson

- Committee Report.

The Committee hopes to make the report on the first two years of implementation of the MBE/WBE/LBE Ordinance by the HRC's regular meeting of December 11.

NEW MATTERS

- Proposed Bay Area Council of Human Relations Commissions. - Commissioner Yamakawa.

(see Communications section of these Minutes)

Noting that the San Mateo County Human Relations Commission has proposed formation of the Bay Area Council of Human Relations Commissions, the Commissioner asked that the proposal and follow-up be referred to the Administration Committee.

CALENDAR MATTERS

AD HOC COMMITTEE ON AIDS	Wednesday, November 19, 1986 5:00 P.M. Room 509, HRC Offices, 1095 Market Street
ADMINISTRATIVE	Wednesday, December 3, 1986 5:00 P.M. Room 509, HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, December 4, 1986 9:30 A.M. 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced.
LESBIAN/GAY ADVISORY	Tuesday, November 18, 1986 5:30 - 7:30 P.M. Room 1200 State Building 350 McAllister Street
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, November 20, 1986 3:30 P.M. Commission Room, Main Library Civic Center
SOCIAL ISSUES AND POLICE LIAISON	Wednesday, November 19, 1986 Noon Room 509 HRC Offices, 1095 Market Street
YOUTH AND EDUCATION	Thursday, November 20, 1986 3:30 - 5:30 P.M. Room 1200 State Building 350 McAllister Street

No Remarks from the Audience

Adjournment.

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM:JC:np
11/24/86

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#2
12/11/86

HUMAN RIGHTS COMMISSION

OF THE CITY AND COUNTY OF SAN FRANCISCO

Minutes of the Meeting of Thursday, December 11, 1986
Room 1200 State Building
350 McAllister Street, Civic Center

NEXT MEETING

The fourth Thursday of December, the regular meeting date of the HRC, falls on Christmas Day, a legal holiday.

DATE: Thursday, January 8, 198~~6~~7
TIME: 9:00 A.M.
PLACE: Room 1202 State Building
350 McAllister Street
Civic Center

DOCUMENTS DEPT.
JAN 13 1987
SAN FRANCISCO
PUBLIC LIBRARY

ROLL CALL

Commissioners

Present: Esta Soler (presiding), Samuel Chung, Joe Jung, Corrine Lee, Phyllis Lyon, John Moylan, Nicerita Revelo, George Suncin, David Yamakawa, Jr.

Excused: Rabbi Allen Bennett, Larry Martin, John Morrissey, Joan Moulton, Sal Rosselli, Brenda Wade.

Staff

Present: Grant Mickins, Frank Anderson, Bettye Burrell, Jack Casford, Eileen Gillis, Richard Norton, Veronica Ng, Pansy Ponzio-Waller, Gail Roberts, Vicky Zimpel.

Richey Rice-Gore, representing the Employment Committee
Ralph Hurtado, Liaison from the Mayor's Office.
Eric Jue, Senior Recruiter/Counselor, Chinese for Affirmative Action

No Pledge of Allegiance because no Flag is provided in the meeting room.

Minutes of November 13, 1986 approved, with the notation that on Page 6, No. 2, First Anniversary of Article 38 of the Municipal (Police) Code, the Sexual Orientation Nondiscrimination Ordinance, it was incorrectly stated that there would be a party to mark the December 12 date.

COMMUNICATIONS

- From Louise H. Renne, City Attorney, a copy of her Memorandum of November 6 to all staff, informing that Phil Ward is leaving the City Attorney's Office, after 14 years' service, to enter private practice,
- From Supervisor Nancy Walker, Chair, and Members of the Finance Committee, a copy of her memorandum to all departments regarding scheduling of the 1986-87 Budget Review hearings. The Human Rights Commission met with the Committee on December 10, 1986. See below under Director's Report.

(415) 558-4901 Suite 501, 1095 Market Street San Francisco 94103

- From City Attorney Renne, a copy of her November 10 Memorandum to all staff informing that Kimberly Reiley was joining (November 17) the office as Chief of the Trial Division.

- From Bob Gamble, Budget Director, Office of the Mayor, a copy of his Memorandum of November 13 to all department heads suggesting ways in which the goal of reducing 500 job positions in the budget can best be accomplished. The Memorandum addresses in particular requests to refill vacant positions. See Director's Report below for further comment.

- From Albert C. Walker, Assistant Secretary, Civil Service Commission, asking if there is sufficient interest among secretaries of commissions in attending a course in parlimentary procedure, and attaching a survey form for declaring day and time preferences for such an 8-hour course.

- From Jacquie Hale, Coordinator, Commission on the Status of Women, thanking Vicky Zimpel of the HRC staff for her presentation to the COSW regarding the 1986 City Employees Combined Campaign November 18. Ms. Zimpel was the HRC chairperson of this campaign.

- From Bob Gamble, Budget Director, Office of the Mayor, a Memorandum sent all departments, boards and commissions forwarding the 1987-88 budget limits, and requesting that budgets be submitted at two levels, 95% and 100% of last year's budget.

- From Mr. Gamble, a letter on behalf of Mayor Dianne Feinstein, advising that Director Hickins is authorized to release $7,500 reserve placed on the Intergroup Clearinghouse account during the 1987-1988 budget process, with comment that the mandated matching fund of $7,500 has been raised from private sources.

- From Mayor Feinstein, a November 25 Memorandum to all department heads asking for cooperation in light of a reported projection of a revenue shortfall of $19 to $26 million in the City budget, and announcing that the Mayor cannot accept or approve additional supplemental appropriations unless court-mandated.

- From Margaret Steffen, H S Telephone Products, a copy of a letter to Gary Wong, HRC Contract Compliance Representative, declining to seek recertification of her business as women-owned.

- From Norma L. Jerry, President, Ocean View, Merced, Ingleside Community Association, informing that the association is seeking a memorandum of understanding with the builder and prime contractor at the Balboa Reservoir site regarding equity, local hiring, and some method of preferential access to residents of the OMI community, and asking HRC implementation assistance.

- From Mayor Feinstein, a December 4 Memorandum to all department heads soliciting recommendations as to what proposals should be included in developing the components of the legislative package to be sponsored by the City and County of San Francisco in the 1987-88 Session of the State Legislature, which convened December 1.

- From Bob Gamble, announcing to all department personnel officers that the Requisition Review Committee will be reviewing all personnel requisitions, and requesting submittal of justifications for such requisitions.

- From Marie Corlett Blits, of the Board of Supervisors' Employee Relations Division, requesting designation of a departmental representative to participate in meeting and conferring with recognized employee organizations which have memorandums of understanding with the Board of Supervisors expiring July 1, 1987, and attaching lists of unions with such memorandums

of understanding with which the Division will begin negotiations soon.

- An unsigned ("Concerned") letter of December 8 regarding an individual's concerns about a number of personnel matters at Chinese Hospital, including an allegation that age discrimination may have been practiced in dismissal of certain unnamed employees.

- From Terry A. Francois, Attorney at Law, a copy of a letter to the Office of The Purchaser requesting a list of the pest control contracts which a Pest Control Company has with City and County agencies.

NO CHAIRPERSON'S REPORT

DIRECTOR'S REPORT

(begun shortly before a Quorum was obtained)

- Combined Campaign Drive - Vicky Zimpel.

Ms. Zimpel reported that just under $3,000 was contributed by staff and members of the HRC and the Commission on the Status of Women. Commissioner Lyon and HRC staff member Mary Gin Starkweather each won a pot of homemade pesto in office drawings held during the campaign. The average per person donation overall was approximately twice that reported for City Employees. Almost all staff members participated and more than half the Human Rights Commissioners. Ms. Zimpel thanked everyone for their contributions and assistance.

- Finance Committee Budget Reviews

Director Mickins and staff met with the Committee December 10 for their presentation of the overview hearings scheduled regarding experience on the 1986-1987 Fiscal Year budget for the HRC, and projections for the 1978-1988 Fiscal Year budget.

Director Mickins referred to Mayoral memoranda and that from the Budget Director regarding a position cutback of 500 sought, and policy towards not accepting supplemental appropriate requests.

- Denver Workshop Presentation.

Director Mickins has been invited to be the keynote speaker at a Seminar on "AIDS in the Workplace", sponsored by the Colorado Civil Rights Commission in Denver on December 12. He noted that he has sought for several years to get local and state human rights relations commissions (through the International Association of Official Human Rights Agencies) to become active in AIDS/ARC and sexual-orientation protection work.

- Solid Waste Disposal Contract Debate at the Board of Supervisors.

Director Mickins appeared at the request of Supervisor Richard Hongisto at the regular meeting of the Board of Supervisors December 10, to participate in the discussion of the granting of a contract for removal and disposal of the City and County's solid waste (garbage) for the next twenty years. Two firms had made bids, one of them the Oakland Scavenger Company (which already reportedly had a City contract). Oakland Scavenger proposed to use a site at Altamont, in Alameda County, but the City Administrative Officer had said that unless the City acted by December 15, the company would withdraw its bid/offer. Supervisor Hongisto was opposed to granting this new contract on the grounds of allegations of discrimination practices by the Oakland firm, and Mr. Mickins was asked to testify to that allegation.

Mr. Nickins reported that he had found no record in HRC Files of the City's contracting with Oakland Scavenger Company, and that he had no knowledge that the City Administrative Officer had ever requested submission of workforce reports with the contract bid, as required, for HRC review for racial, ethnic, and sex balance. (The CAO also was said to have hired private sources to do workforce analysis.) He therefore testified that he did not know if there were any discrimination by the subject company.

The HRC has been asked to determine this matter and report back to the Board of Supervisors December 15. Frank Anderson of the staff has been working on gathering this information.
*** At this point, the Chairperson announced that there was a Quorum present.

STANDING COMMITTEES

LESBIAN/GAY ADVISORY
Commissioners Phyllis Lyon and Sal Rosselli, Co-Chairpersons

- Requested Adoption of Sexual Orientation/AIDS/ARC Discrimination Annual Discrimination Report for Fiscal Year 1985-1986 - Eileen Gillis.

Recommended Formal Commendation of Ms. Gillis.

Ms. Gillis, Lesbian/Gay Community Representative, based her summary oral report on a nine-page narrative report, supported by two appendices, which had been distributed to all HRC members in advance for their study. Highlights from her written summary, as presented:

1. In Fiscal Year 1985-1986, 137 complaints of sexual orientation and/or AIDS/ARC-based discrimination were investigated by the Lesbian/Gay Unit of the HRC. This figure does not reflect the total number of cases received by the Unit, or assisted through referral, or other mean of technical help. The actual total number of such complaints received is closer to 300. In addition , the HRC's Fair Housing Unit investigated 20 cases of AIDS-based, and 17 sexual-orientation-based housing discrimination cases.

2. The number of complaints increased 20% over that for Fiscal Year 1984-1985, continuing a trend of yearly increases since Fiscal Year 1981-1982. Complaints in 1981 and 1980 were reported by calendar year.

3. A total of $20,500 in financial settlements was awarded to aggrieved complainants in settlement negotiations, up from $16,500 the previous Fiscal Year, and $6,000 in Fiscal Year 1983-1984. Other remedies reached include job transfer, promotional upgrade, and improvement of workplace nondiscrimination policy.

4. There was an alarming increase in the number of AIDS/ARC-based complaints. Sixty-five such cases were reported, up from 20 in the previous Fiscal Year. Only two such cases were investigated in Fiscal Year 1982-1983.

5. A major success this year is the passage of Article 38 of the City Administrative Code, specifically barring discrimination based on AIDS, mandating the HRC directly to investigate such complaints.

6. The HRC was able to hire an AIDS/ARC Representative, Norm Nickens, to process AIDS/ARC complaints, perform public education, and act as liaison with public agencies on all levels, as well as private groups.

[illegible] Report [illegible]

Ms. Gillis' report also noted that the first-quarter experience sexual orientation and AIDS/ARC-based complaints for the current Fiscal Year shows substantial increases.

Ms. Gillis, responding to Commissioner Chung's request, narrated the steps taken in dealing with a particularly-complex AIDS/sexual orientation discrimination complaint, and stressed the time-consuming steps (intake, investigation, interviewing, counseling, negotiating, management and staff orientation, etc.) that is required.

Her written report includes detailed sections on the kinds of remedies that are obtained in this discrimination work, with case studies given in descriptive forms. She also gave demographic and statistical information, noting that the Lesbian/Gay Unit has met with "mixed success" in its efforts to expand representation of women and ethnic minority populations, in the complaint load. She states, in her narrative, "...continued special outreach to underserved populations must be prioritized in the upcoming year." Women, for example, represented only 15% of the current complaint population report, a drop of 8% from the former year's statistics.

Mr. Gillis devotes a large portion of her written report to discussion of the projected goals of Fiscal Year 1984-1985 that were met in Fiscal Year 1985/1986. Problem areas, such as increase in minority outreach and the continuing need to educate the community regarding local protections against discrimination, include the backlash of increased discrimination due to AIDS/ARC. This was in one instance typified by the state and federal governments' refusal to grant handicapped status to people with AIDS/ARC. Future plans include increased staffing, maintenance of existing levels of provision of services, revision of Article 33 (the sexual orientation nondiscrimination ordinance, part of the Municipal (Police) Code, implementation of AIDS/ARC-bias public hearing recommendations (of February 1986), and continuing work on the issue of the discrimination against women in employment as it affects the Lesbian community.

After some discussion and questions from members of the HRC it was
****m/s/c that the HRC accept the Report on Sexual Orientation Discrimination for Fiscal Year 1985-1986, and it was
****m/s/c to commend Eileen Gillis for her work on the report and for her past and present services as the Lesbian/Gay Community Liaison staff member.

MBE/WBE/LBE COMMUNITY ADVISORY
Commissioner David K. Yamakawa, Jr., Chairperson

- Report on HRC Monitoring of Construction Contracts under the Mayor's Office of Housing and Economic Development from January 1, 1985 to June 30, 1986.
Pansy Ponzio Waller, Contract Compliance Officer I.

Ms. Ponzio Waller's ten-page written report, supported by six tables of statistics, was provided in advance to all HRC members for their study after presentation to and acceptance by the MBE/WBE Committee.

The HRC monitored 54 construction contracts in the report period, totaling $35,816,042 in contract dollars, compared to a total of $29,901,437 in the previous Fiscal Year.

From Ms. Ponzio Waller's report:

The statistics for this report are based on contracts awarded by the various Housing Development Corporations (HDC's), Asian Inc., Bernal Heights Community Foundation (BHCF), Chinese Community Housing Corporation (CCHC), Hayes Valley Community Corporation (CCHC), Housing Conservation and Development Corp. (HCDC), Housing Development and Neighborhood Preservation Corporation (HDNP), Mission Housing Development Corporation (MHDC) and Property Conservation Division (PCD), and by the Mayor's Office of Housing and Economic Development. These neighborhood-based non-profit housing development corporations implement two primary housing programs funded by

Community Development Block Grant (CDBG): the Community Housing Rehabilitation Program (CHRP) and the Housing Site Acquisition Program. The goal is to provide long-term affordable housing for low and moderate-income households through new and rehabilitated housing.

Rehabilitation loans through the Community Housing Rehabilitation Program (CHRP) are available to low-income owner occupants or non-profit-owned properties where 51% or more of the tenants are low income.

The Housing Site Acquisition Program on the other hand, provides funds for the purpose of acquiring either vacant lots or buildings to provide housing for low and moderate income people by increasing the City's supply of affordable housing.

The HRC monitors the affirmative action requirements on both of these programs. If the total contract dollar amount is over $75,000, the Minority Business Enterprise (MBE) and the Women Business Enterprise (WBE) goals apply.

There was an increase in MBE/WBE participation from the previous year (25.1%) to 27.2% for MBE's, and an increase from .2% to 1.6% for WBE's in 1985.

In addition to performing the day-to-day compliance tasks, staff provided technical assistance to community groups, i.e., Women in Apprenticeship, Chinese for Affirmative Action, the Mission Hiring Hall, Young Community Developers and Swords to the Plowshares.

Analysis of Current Status

There has not been a significant change in the total number of contracts awarded by the HDC's and MOHED. In 1984, there were 51 construction contracts compared to 54 in 1985. The following analysis highlights the results of the data:

1) Total number of contracts under $75,000 monitored:

There were 36 projects under $75,000 monitored by HRC. The MBE/WBE goals did not apply, however. Only the employment participation goals applied. The total contract dollar amount for these projects was $864,250, or 2.8% of the total amount awarded.

Hispanic contractors had the highest participation of contracts as prime contractors under $75,000. Black contractors showed the next highest participation, followed closely by Asian/Pacific Islander contractors. Filipino and women contractors received only one contract under $75,000. American Indian/Alaskan Native contractors did not receive any contracts as prime contractors.

Comparisons with Prior Year

There was a decline in the total contract dollar awarded figures for 1985 compared to 1986. This can possibly be attributed to the monitoring of one project in particular - the development of the Parkview Heights Homes in Potrero Hill. The total contract amount for this project was $7,422,120. This project was awarded in the latter part of 1983 and completed in 1984.

Compliance Problems

Having contractors submit the workforce participation reports, Form HRC I and MBE/WBE participation report Form HRC II, is an on-going problem. Staff had to file a complaint against a contractor for not submitting the reports on a timely manner.

MBE/WBE contractors continue to experience cash flow problems. A "prompt payment" policy would alleviate some of the problems MBE/WBE's are experiencing. Another problem identified by staff is that most of the MBE subcontractors do not belong to unions, a major problem since some of the prime contractors require union affiliation, and will not even consider

receiving a bid from a nonunion contractor. A nonunion contractor, however, is required by law to pay the prevailing wage.

The problem of not having enough collateral in order to obtain a performance bond continues to plague MBE/WBE's in their efforts to be competitive.

Lastly, many MBE/WBE's experienced problems when their insurance rates escalated three times the rate from the year before.

Conclusion and Recommendation

Although the statistics presented in this report reflect a decrease in total dollar participation for 1985, in 1986 there should be an increase. For example, the Balboa Reservoir development will be around 13 million and the Polytechnic site will be about 15 million. The subcontracting opportunities will be substantial. Also, there will be many employment opportunities for minorities and women.

HRC monitors need to continue in their efforts of working closely with Unions and with the community resource organizations in order to accomplish achieving the goals of the agency.

Currently, staff is working through the MBE/WBE/LBE Advisory Committee and with the Purchasing and Controller's office to recommend steps by which payments can be processed more expeditiously.

Based on the recommendations of the Aileen C. Hernandez Associates report, "Between a Rock and a Hard Place," staff will be working cooperatively with the appropriate City and County departments and agencies to develop an informational guide to doing business with the City. The guide will include 1) an explanation of Chapter 12D, 2) description of the purchasing and contracting procedures for City departments and agencies, 3) specific information on insurance, bonding, and fee requirements in City contracting and 4) listings of private and public resources for technical assistance.

The informational guide will be disseminated widely and distributed at educational forums to enhance and promote MBE/WBE/LBE's in their efforts to do business with the City.

Tables attached to this report show the total construction contracts monitored in 1985; those monitored in 1984; the listing of contracts totaling more than $75,000; a comparative analysis of MBE/WBE/LBE participation, total construction contracts monitored from January 1, 1986 to June 30, 1986; and a total listing of construction contracts totaling $10,000 and more monitored by the HRC.

It was then moved.
*****to accept the Report on Construction Contracts under the Mayor's Office of Housing and Economic Development (MOHED) from January 1, 1985 to June 30, 1986 by the HRC, and Ms. Ponzio Waller was thanked and commended for her work and presentation.

Chairperson Soler and Director Mickins each separately noted the clarity of presentation achieved by Ms. Ponzio Waller in her compilation of this report.

- Commissioner Chung expressed some concern about whether the MBE/WBE/LBE Community Advisory Committee or the Employment Committee were the venue for a construction contracts report, and asked that the HRC clarity which committee had which obligation. After some discussion, it was
****m/s/c that in the future all contract-related reports shall be handled by the MBE/WBE/LBE Community Advisory Committee.

- MBE/WBE/LBE Committee Report - Commissioner Yamakawa.

1. Fiscal Year 1984-1985 and Fiscal Year 1985-1986 Reports of MBE/WBE/LBE Implementation. This material will not be brought to the HRC until its first meeting in February, as the Committee meets next January 15.

2. Prompt Payment Issue. This ongoing problem, identified in the Aileen Hernandez Report, "Between a Rock and Hard Place", is a continuing concern to the Committee, which has joint responsibility with the Small Business Council. The Hernandez report also cited the difficulty of obtaining bonding, and the need for establishment of a City revolving fund, and staff continues to work on this problem.

3. Personal Services Contracts. Though the HRC does not have immediate jurisdiction over these arrangements, they do impact the status of MBEs and WBEs and the Committee continues its interest in this area.

Commissioner Yamakawa expressed the continuing appreciation of the Committee for the HRC's supportive moves for its recommendations.

To Chairperson Soler's specific request for status information on the revolving fund issue, (Then-Supervisor Renne, in March of 1986, had introduced legislation that would have established a City revolving fund to assist in bonding for MBEs and WBEs. She was subsequently appointed City Attorney and her legislation was filed. Supervisor Willie Kennedy was requested to call the proposed legislation out of file.) Pansy Ponzio Waller reported:

-- a meeting was held at the HRC offices the week of December 8 attended by representatives of various business and contractor organizations, of the Mayor's Office, the Board of Supervisors, and HRC staff, to discuss formulation of such legislation.

Director Mickins reported on this meeting, he said a tentative formula had been worked out, based on the number of eligible contract dollars, divided by the 30%/10% MBE/WBE participation goals. The revolving fund (not to be expended, but replenished as it is used) may be in the neighborhood of $10 million.

As far as the bonding issue itself, Mr. Mickins said it had been informally agreed that some limits be placed on bonding requirements.

YOUTH AND EDUCATION

Commissioners Allen Bennett and John Morrissey, Co-Chairpersons

- Request for Formal Adoption of the Cultural Awareness Speakers Program - Bettye A. Burrell.

Commissioners were provided a Fact Sheet giving the background and description of the work of this program, which was established by the HRC in 1982 at the request of Judge Harry Low, then supervising judge of the Juvenile Court, Judge Low got in touch with Director Mickins and asked that a Cultural Awareness Program be established for incarcerated youth at the Youth Guidance Center, providing speakers once a month representing various ethnic and cultural backgrounds who could be seen as role models for the youth.

Though the youth population at Y.G.C. consists of all races, the majority are Black and Hispanic, and, therefore, minority speakers, most of them in professional and business positions in this community, are asked to share their life experiences, relating how they persevered and achieved despite early experiences of deprivation, poverty, prejudice, and discrimination.

The Fact Sheet Ms.Burrell had presented and distributed to all HRC members in advance of this meeting gave a profile of the youth who attend these monthly speeches at the Y.G.C. Drug-related offenses, she said, make up the largest proportion (79%) of causes for their incarceration, with completed

other factors such as stealing, involvement in violent crimes, and violation of parole.

Ms. Burrell emphasized that the program's aim is not to preach, but to motivate, inspire, and provide a glimpse of hope for the youth. Speakers concentrate on career interests, leisure time activities, and organization interests.

She noted the avid interest of the youth in their human and civil rights and in the speakers' past experiences. They also are interested in the operations and roles of the Police, the HRC, and other agencies.

She recommended to the HRC that it produce a formal recognition certificate to be given to speakers who participated in the 1986 programs.

Ms. Burrell was preceded in directing this program, obtaining and scheduling speakers, etc., by Essie Thomas and Beatrice Cardenas-Duncan. Those who wish to participate may contact Bettye A. Burrell at the HRC, 558-4901.

Director Mickins gave a brief background on his first being contacted by Judge Low to set up the Cultural Awareness Program in 1980.

Commissioner Yamakawa suggested that the Intergroup Clearinghouse be asked to help contact speakers for the program.

It was then
****m/s/c to adopt the Cultural Awareness Speakers Program as requested.

EMPLOYMENT

Commissioners Larry Martin and John Moylan, Co-Chairpersons

- Committee Report. - Commissioner Moylan.

1. Southeast Community College Center.

   Dr. Henry Augustine, Head Counselor at the Southeast Community College Center, which will open officially January 12, 1987, and is located in H Hunters Point community, described at length its various programs. The $23 million complex, one of nine San Francisco Community College District centers, was established originally 20 years ago as the San Francisco Skills Center, and its continuing purpose has been the prepare people for employment. To this end, the Center has a basic skills components, as well as specialized training programs, such as for licensed vocational nurses, psychiatric technicians, bank tellers, secretaries and computer workers. A new program, the Fashion Institute, begins in January.

2. Christmas Jobs for Youth Program.

   Ms. Sharon Woodruff, Employment Specialist for Youth for Service, described the YFS's Christmas Jobs for Youth Program, which has been operating since 1957, and in which the HRC has been involved in past years quite actively. This year's program, however, is much smaller, because of a reduction of $200,000 in federal funding to YFS. Six employers are participating: Cost Plus, Emporium, Lane Bryant, Macy's, Walgreen, and Woolworth, and YFS has been referring 12 to 15 youth for every job opening.

Dr. Lee Dolson, Director of the San Francisco Retailers Community Relations Group, reported to the Committee that there is a '...decided surplus of experienced retail clerks...' because of the closing of several stores, and that prospects for hiring youth for 1986 Christmas jobs are very slim. Dr. Dolson observed that its desirable to begin meeting in January or February with Employment Committee representatives to plan for Christmas jobs in 1987.

3. Followup on the Private Industry Council Presentation.

The Employment Committee had previously heard an extensive presentation on the Private Industry Council. After discussion on the issues raised, it was the consensus of the Committee to urge the Council to focus its efforts on job prospects with mid-sized companies.

4. Report on the AIDS Research Facility to be Constructed at San Francisco General Hospital.

Committee member Sal La Rosa reported on the newly-proposed AIDS Research Facility structure to be built at San Francisco General Hospital, its estimated construction cost, the construction timetable, and projections of staffing. One focus of this regional research and treatment center will be to have a sub-unit dealing exclusively with ethnic minorities.

- Vicky Zimpel, HRC Construction Coordinator, that the Employment Committee had sent Mr. Eric Jue, Senior Recruiter/Counselor for Chinese for Affirmative Action and a member of the Employment Committee to Voice their Concerns. Ms. Zimpel said that although construction of the proposed AIDS Research Facility is still some way off, there were concerns expressed at the Employment Committee about the possible prime participation of Nibbi-Lowe, a San Francisco Joint Venture which has already done some work at the hospital. Mr. Jue had been asked by the Employment Committee to come and express these concerns to the Commission. Mr. Jue said that allegations had been made at the Employment Committee that Nibbi Lowe has a past record of noncompliance with HRC and their governmental affirmative action and non-discrimination requirements. Mr. Jue also said that similar concerns about Nibbi-Lowe had been expressed by Women in Apprenticeship and the Women's Committee of Carpenters as far as Nibbi's alleged failure to meet ethnic hiring goals and opportunities for women. He said the company, a major one, has many city contracts, and that he had discussed with Ms. Veronica Ng, an HRC Contract Compliance Representative and other groups and with the Committee, the possible sanctions under HRC's Ordinance against a contractor for non-compliance and other remedies to bring about compliance, including barring the contractor as not a good-faith contractor, from City contracting; a fine, or possibly posting a member of the HRC staff on-site to monitor compliance on-the-job. He charged that Nibbi has "never met the goals required under HRC guidelines, though it has worked with the City since the 1970s. Mr. Jue said that his agency, the Employment Committee, and other groups were working well together to try to deal with Nibbi Bros. and he took the opportunity to praise the HRC's monitoring staff work. He closed by saying Nibbi is making bids for several other major City contracts, including the huge remodeling and reconstruction work at Candlestick Park.

Ms. Zimpel was asked to comment on relationships between contractors, expected to meet minority hiring goals, and the unions, which dispatch workers. She explained that the HRC Ordinance (12B) does not permit employers to use union-dispatch policies as an excuse for not complying with Affirmative Action.

Veronica Ng then briefly described the procedural steps the HRC is required, under Chapter 12B, to follow in monitoring compliance, the pre-construction meetings it sets up before work begins to thoroughly explain legal obligations under 12B, reporting, notification, warnings, etc. She explained in detail the meticulous work of HRC staff in assuring that prime and subcontractors understand thoroughly their legal obligations under 12B.

reporting, notification, warnings, etc. She explained in detail the meticulous work of HRC staff in assuring that prime and sub-contractors understand thoroughly their legal obligations under 12B. She reported that presently the HRC has filed a formal Complaint of Noncompliance against Nibbi-Lowe. She said HRC staff has also received complaints from job-seekers that this contractor has given short shrift to on-site job applicants, refusing the take names and addresses to provide notification of future openings, or abruptly rejecting all applications. She said the HRC had thorough documentation of all efforts it has made with Nibbi-Lowe in attempting to implement the mandate of monitoring.

Ms. Ng also stated that Nibbi-Lowe currently has a contract at the North American Mammal Hall, let by the Department of Public Works and also on Phases I and II of Candlestick Park renovation. Thus far, she said, Nibbi has submitted no workforce reports on any of these projects and this is why the noncompliance complaint has been filed. She said the lead time that must be allowed for notification and response in cases of filing complaints extends greatly the delay in implementation, and often projects of only a few months are virtually completed before compliance can be obtained.

Ms. Zimpel noted that Chapter 12B does not have the "tough enforcement" powers that exist under Chapter 12D, and she said that revision of the former ordinance is desirable. She pointed out that it is unclear under 12B if a contractor found in noncompliance under one contract may be ineligible to get more. She said there is a need for a speedup of enforcement and for quicker penalties.

Director Hickins said there already had been meetings by HRC staff with the City Attorney's Office, Supervisor Nancy Walker, and others to review the 12B procedure (which was adopted in 1968). He said that the time lag is a major problem, and pointed out that a contractor that may have a "bad-faith" record, can start his project, and by the time all the procedural requirements now operative are followed through, that contractor's job may be nearly finished.

Chairperson Soler summarized briefly the highpoints of the above discussion:

1. That reform of Chapter 12B regarding enforcement and penalties is needed.
2. That the community is very worried about Nibbi-Lowe's record of compliance and continued success in bidding jobs.

3. That, as she learned from Vicky Zimpel, the proposals for architectural design for the AIDS Research Facility are not due until December 19, hence construction is still substantially a long way away.

Ms. Soler noted that reform of the Chapter 12B itself may take a long time procedurally, and asked what that the Employment Committee make recommendations, and, on the suggestions of Commissioners Moylan and Chung,
the Employment Committee was asked to make recommendations to the next HRC meeting for action it can take now on the matter.

5. The next meeting of the Employment Committee will be Thursday, February 5 (the first regular meeting day each month is the first Thursday, and that first Thursday in January is New Year's Day, a legal holiday).

Tribute to Stanley Lim's Work on the Southeast Community College Center.

Vicky Zimpel noted that it is a tribute to the long, pioneering, persistent, and dedicated work of the late Stanley Lim, the HRC's veteran

Construction Coordinator who died suddenly October 13, 1985, that this project had been built with a 50% residency employment record, and 45% MBE participation.
****It was directed that this tribute to Stanley Lim be communicated formally to his family.

- Tribute to Grace Markham.

HRC staff honored this senior secretary of 17 years' service on her retirement with a luncheon on December 5. Mrs. Markham received a gift bond, flowers, and other tributes from her co-workers, and the Board of Supervisors sent a formal tribute as well. The HRC asked to be joined with its staff in communicating its good wishes and gratitude to Mrs. Markham.

CALENDAR MATTERS

The next regular meeting of the HRC will be Thursday, January 8, 1987, at 9:00 AM in Room 1202 in the State Building, 350 McAllister Street, in the Civic Center

STANDING COMMITTEES

AD HOC COMMITTEE ON AIDS	Wednesday, January 21, 1987 5:00 P.M. Room 509, HRC Offices, 1095 Market Street
Administrative	Wednesday, January 7, 1987 5:00 P.M. Room 509, HRC Offices, 1095 Market Street
EMPLOYMENT	Thursday, February 5, 1987 9:30 A.M. 1850 Mission Street
HOUSING AND URBAN DEVELOPMENT	To be announced
LESBIAN/GAY ADVISORY	Tuesday, December 16, 1986 5:30 - 7:30 P.M. 350 McAllister Street Room 1200
MBE/WBE/LBE COMMUNITY ADVISORY	Thursday, December 18, 1986 3:30 P.M. Commission Room, Main Library Civic Center
SOCIAL ISSUES AND POLICE LIAISON	Wednesday, December 17, 1986 Noon Room 509 HRC Offices, 1095 Market Street
YOUTH AND EDUCATION	Thursday, December 18, 1986 3:30 - 5:30 P.M. Room 1200 State Building 350 McAllister Street

NO REMARKS FROM THE AUDIENCE

ADJOURNMENT

Respectfully submitted,

Grant S. Mickins
via Jack Casford

GSM..JC:nr
12/30/86